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1925

CUMULATIVE SUPPLEMENT

TO

U. S. COMPILED STATUTES

COMPACT EDITION

EMBRACING

THE STATUTES OF THE UNITED STATES OF A GENERAL AND PERMANENT NATURE FROM JUNE 14, 1918, TO MARCH 4, 1925

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PREFACE

THIS supplement covers the United States Statutes of a general and permanent nature enacted from June 14, 1918, to March 4, 1925.

It includes and supersedes

Appendix to 1918 United States Compiled Statutes, Compact Edition.

1919 Supplement to United States Compiled Statutes, Compact Edition.

1923 Supplement to United States Compiled Statutes, Compact Edition.

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CONSTITUTION OF THE UNITED STATES—1787*

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives

Section. 2 [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3] [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three

The clause of this paragraph inclosed in brackets was amended, as to the mode of apportionment of representatives among the several states, by the fourteenth amendment, § 2, post, and as to taxes on incomes without apportionment, by the sixteenth amendment, post.

[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3 [1] [The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.]

This paragraph and the clause of paragraph 2 of this section next following, inclosed in brackets, were superseded by the seventeenth amendment, post

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]

See note to preceding paragraph of this section.

[3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine

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*In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1789, and was, by an act of Congress approved February 19, 1791, "received and admitted into this Union as a new and entire member of the United States."

Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen

4 The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

5 The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States

6 The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

7 Judgment in Cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. 1 The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

2 The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5. 1 Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2 Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

3 Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

4 Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. 1 The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2 No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. 1 All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2 Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3 Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. 1 The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2 To borrow Money on the credit of the United States;

3 To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

4 To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

5 To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

6 To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

7 To establish Post Offices and post Roads;

8 To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9 To constitute Tribunals inferior to the supreme Court;

10 To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

11 To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

12 To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13 To provide and maintain a Navy;

14 To make Rules for the Government and Regulation of the land and naval Forces;

15 To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16 To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

17 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings,—And

18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. 1 The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2 The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3 No Bill of Attainder or expost facto Law shall be passed.

4 No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken

5 No Tax or Duty shall be laid on Articles exported from any State.

6 No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

7 No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

8 No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title of any kind whatever from any King, Prince, or foreign State.

Section. 10. 1 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2 No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

3 No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section. 1. 1 The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

2 Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed, and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President, and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States. the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]

This paragraph, inclosed in brackets, was superseded by the twelfth amendment, post.

3 The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

4 No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

5 In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

6 The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

7 Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation.—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. 1 The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices,

and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2 He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

3 The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2 1 The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between citizens of different States,—between citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

2 In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

3 The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed

Section. 3. 1 Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

2 The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted

ARTICLE IV

Section. 1 Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2 1 The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States

2 A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime

3 No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due

Section. 3. 1 New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress

2 The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

1 All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Articles in Addition to, and Amendment of, the Constitution of the United States of America, Proposed by Congress, and Ratified by the Legislatures of the Several States Pursuant to the Fifth Article of the Original Constitution

[ARTICLE I] *

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances

[ARTICLE II]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[ARTICLE V]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

[ARTICLE IX]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people

[ARTICLE X]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794, and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

[ARTICLE XII]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability

*The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789, Maryland, December 19, 1789, North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790, Delaware, January 28, 1790; Pennsylvania, March 10, 1790, New York, March 27, 1790, Rhode Island, June 15, 1790, Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article, and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States

[ARTICLE XIII]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz· Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia

[ARTICLE XIV]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

The disability created by this section was removed by Act June 6, 1898, c. 389, 30 Stat. 432, post, § 3219

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned .But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations and claims shall be held illegal and void

Section 5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866 On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress. Therefore, Resolved, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State " The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six States, viz· Connecticut, June 30, 1866, New Hampshire, July 7, 1866, Tennessee, July 19, 1866, New Jersey, September 11, 1866, (and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it,) Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868, North Carolina rejected it December 4, 1866, and ratified it July 4, 1868, South Carolina rejected it December 20, 1866, and ratified it July 9, 1868, New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it,) Illinois ratified it January 15, 1867, West Virginia, January 16, 1867; Kansas, January 18, 1867, Maine, January 19, 1867; Nevada, January 22, 1867, Missouri, January 26, 1867; Indiana, January 29, 1867, Minnesota, February 1, 1867; Rhode Island, February 7, 1867, Wisconsin, February 13, 1867, Pennsylvania, February 13, 1867, Michigan, February 15, 1867, Massachusetts, March 20, 1867, Nebraska, June 15, 1867, Iowa, April 3, 1868, Arkansas, April 6, 1868, Florida, June 9, 1868, Louisiana, July 9, 1868; and Alabama, July 13, 1868 Georgia again ratified the amendment February 2, 1870 Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869 The amendment was rejected by Kentucky January 10, 1867, by Delaware February 8, 1867; by Maryland March 23, 1867, and was not afterward ratified by either State.

[ARTICLE XV]

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were from North Carolina, March 5, 1869, West Virginia, March 3, 1869; Massachusetts, March 9-12, 1869; Wisconsin, March 9, 1869, Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869, Pennsylvania, March 26, 1869; Arkansas, March 30, 1869, Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13-14, 1869, New York, March 17-April 14, 1869, (and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it,) New Hampshire, July 7, 1869, Nevada, March 1, 1869; Vermont, October 21, 1869, Virginia, October 8, 1869, Missouri, January 10, 1870; Mississippi, January 15-17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870, Kansas, January 18-19, 1870; Minnesota, February 19, 1870; Rhode Island, Janu-

ary 18, 1870, Nebraska, February 17, 1870, Texas, February 18, 1870 The State of Georgia also ratified the amendment February 2, 1870

[ARTICLE XVI]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

The sixteenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Sixty-First Congress, on the 31st of July, 1909, and was declared, in a proclamation by the Secretary of State, dated the 25th of February, 1913, to have been ratified by the legislatures of the states of Alabama, Kentucky, South Carolina, Illinois, Mississippi, Oklahoma, Maryland, Georgia, Texas, Ohio, Idaho, Oregon, Washington, California, Montana, Indiana, Nevada, North Carolina, Nebraska, Kansas, Colorado, North Dakota, Michigan, Iowa, Missouri, Maine, Tennessee, Arkansas, Wisconsin, New York, South Dakota, Arizona, Minnesota, Louisiana, Delaware, and Wyoming, in all thirty-six, said states constituting three-fourths of the whole number of states The legislatures of New Jersey and New Mexico also passed resolutions ratifying the said proposed amendment

[ARTICLE XVII]

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years, and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution

The seventeenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Sixty-Second Congress, on the 15th of May, 1912, in lieu of the original first paragraph of section 3 of article I, and in lieu of so much of paragraph 2 of the same section as related to the filling of vacancies, and was declared, in a proclamation by the Secretary of State, dated the 31st of May, 1913, to have been ratified by the legislatures of the states of Massachusetts, Arizona, Minnesota, New York, Kansas, Oregon, North Carolina, California, Michigan, Idaho, West Virginia, Nebraska, Iowa, Montana, Texas, Washington, Wyoming, Colorado, Illinois, North Dakota, Nevada, Vermont, Maine, New Hampshire, Oklahoma, Ohio, South Dakota, Indiana, Missouri, New Mexico, New Jersey, Tennessee, Arkansas, Connecticut, Pennsylvania, and Wisconsin, said states constituting three-fourths of the whole number of states.

[ARTICLE XVIII]

Section 1 After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited

Section 2 The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation

Section 3 This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

This amendment was proposed to the legislatures of the several states by the Sixty-Fifth Congress, on the 19th day of December, 1917, and was declared, in a proclamation by the Acting Secretary of State, dated on the 29th day of January, 1919, to have been ratified by the legislatures of the states of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; said states constituting three-fourths of the whole number of states in the United States, and certified as valid to all intents and purposes as a part of the Constitution of the United States.

[ARTICLE XIX]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex

Congress shall have power to enforce this article by appropriate legislation

This amendment was proposed to the legislatures of the several states by the Sixty-Sixth Congress, on the 5th day of June, 1919, and was declared, in a proclamation by the Secretary of State, dated on the 26th day of August, 1920, to have been ratified by the legislatures of the states of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin and Wyoming—said states constituting three-fourths of the whole number of states in the United States, and certified as valid to all intents and purposes as a part of the Constitution of the United States.

1925
CUMULATIVE SUPPLEMENT
U. S. COMPILED STATUTES
COMPACT EDITION

Includes Acts of Congress enacted from June 14, 1918, to March 4, 1925

TITLE I—GENERAL PROVISIONS

Chapter Two—Form and Enactment of Statutes and Effect of Repeals

§ 12a. Printing of enrolled bills and resolutions.—Hereafter enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality as shall be determined by the Joint Committee on Printing. (March 6, 1920, c. 94, § 1, 41 Stat. 520.)

From deficiency appropriation act for year 1921, and prior years, cited above.

TITLE II—THE CONGRESS

Chapter Four—Compensation of Members

§ 35.

Superseded as to pay of Congressmen by § 36, post.

§ 36. Compensation of Vice-President, members of Congress, and Cabinet officers—On and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of $15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of $10,000 per annum each. (Feb. 26, 1907, c. 1035, § 4, 34 Stat. 993, amended, March 4, 1925, c. 549, § 4, 43 Stat. 1301.)

This section was amended by Act March 4, 1925, c. 549, § 4, by increasing the salaries of the Speaker, the Vice President, and the heads of Executive Departments from $12,000 each per annum to $15,000 each per annum, and the salaries of Senators, Representatives, Delegates, and Resident Commissioners from $7,500 each per annum to $10,000 each per annum

§ 39a. Salaries of Senators appointed or elected to fill vacancies—Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified, and salaries of Senators elected to fill vacancies in the Senate shall commence on the day they qualify: Provided, That where no appointments have been made to fill such vacancies, the salaries of Senators elected to fill such vacancies shall commence on the day following their election. (Feb. 10, 1923, c. 68, 42 Stat. 1225.)

This section is a resolution entitled a "Joint resolution to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes," cited above.

Chapter Five—Officers and Persons in the Employ of the Senate and House of Representatives

§ 58. Officers and employés of Senate—The following positions and annual (except where specified otherwise) rates of compensation are hereby established:

Office of the Vice President—Secretary to the Vice President, $4,200; clerk, $1,040; assistant clerk, $2,080, messenger, $1,310.

Chaplain—Chaplain of the Senate, $1,520.

Office of the Secretary—Secretary of the Senate, including compensation as disbursing officer of salaries of Senators, and of contingent fund of the Senate, $6,500; assistant secretary, Henry M. Rose, $5,500; reading clerk, $4,500; financial clerk, $4,500; chief clerk, $3,420; assistant financial clerk, $3,600; minute and Journal clerk, $3,600; principal clerk, $3,150; librarian, $3,000; enrolling clerk, $3,150; printing clerk, $3,000; executive clerk, $2,890; file clerk, chief bookkeeper, and assistant Journal clerk, at $2,880 each; first assistant librarian, and keeper of stationery, $2,780 each; assistant librarian, $2,150; skilled laborer, $1,520; clerks—three at $2,880 each, two at $2,590 each,

one $2,460, one $2,100, one $1,770, assistant keeper of stationery, $2,360, assistant in stationery room, $1,520; messenger in library, $1,310; special officer, $2,150: assistant messenger, $1,520; laborers—three at $1,140 each, three at $1,010 each, one in stationery room, $1,440

Document Room—Superintendent, $3,500; first assistant, $2,880; two clerks, at $1,770 each; skilled laborer, $1,520.

Committee employés—Clerks and messengers to the following committees: Agriculture and Forestry—clerk, $3,300; assistant clerk, $2,150, assistant clerk, $1,830; additional clerk, $1,520. Appropriations—clerk, $6,000, assistant clerk, $3,300, assistant clerk, $3,000; three assistant clerks, at $2,700 each; two assistant clerks, at $2,100 each; messenger, $1,440. To Audit and Control the Contingent Expenses of the Senate—clerk, $3,300, assistant clerk, $1,940; assistant clerk, $1,830, additional clerk, $1,520. Banking and Currency—clerk, $3,300, assistant clerk, $2,150; two assistant clerks, at $1,830 each. Civil Service—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Claims—clerk, $3,300; assistant clerk, $2,570; assistant clerk, $2,360; two assistant clerks, at $1,830 each. Commerce—clerk, $3,300, assistant clerk, $2,590, assistant clerk, $2,150, assistant clerk, $1,830 Conference Minority of the Senate—clerk, $3,300; assistant clerk, $2,150; two assistant clerks, at $1,830 each. District of Columbia—clerk, $3,300; assistant clerk, $2,480; assistant clerk, $1,830, additional clerk, $1,520. Education and Labor—clerk, $3,300; assistant clerk, $2,150, assistant clerk, $1,830; additional clerk, $1,520. Enrolled Bills—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Expenditures in the Executive Departments—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Finance—clerk, $3,600; special assistant to the committee, $3,150, assistant clerk, $2,590; assistant clerk, $2,460; assistant clerk, $1,940; two assistant clerks, at $1,830 each, two experts (one for the majority and one for the minority), at $2,360 each, messenger, $1,520. Foreign Relations—clerk, $3,300; assistant clerk, $2,590; assistant clerk, $2,150; assistant clerk, $1,830, additional clerk, $1,520. Immigration—clerk, $3,300; assistant clerk, $2,150; assistant clerk, $1,830; additional clerk, $1,520. Indian Affairs—clerk, $3,300; assistant clerk, $2,570; assistant clerk, $2,040; assistant clerk, $1,830; additional clerk, $1,520. Interoceanic Canals—clerk, $3,300; assistant clerk, $2,150, assistant clerk, $1,830; additional clerk, $1,520. Interstate Commerce—clerk, $3,300; two assistant clerks, at $2,150 each; assistant clerk, $1,830. Irrigation and Reclamation—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Judiciary—clerk, $3,300; assistant clerk, $2,590; two assistant clerks, at $2,150 each; assistant clerk, $1,830. Library—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Manufactures—clerk, $3,300; assistant clerk, $2,040; assistant clerk, $1,830; additional clerk, $1,520. Military Affairs—clerk, $3,300; assistant clerk, $2,590, additional clerk, $1,940; three assistant clerks, at $1,830 each. Mines and Mining—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830, additional clerk, $1,520. Naval Affairs—clerk, $3,300; assistant clerk, $2,590; two assistant clerks, at $1,830 each Patents—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520. Pensions—clerk, $3,300; assistant clerk, $2,150; four assistant clerks, at $1,830 each. Post Offices and Post Roads—clerk, $3,300; assistant clerk, $2,460, three assistant clerks, at $1,830 each. Printing—clerk, $3,300; assistant clerk, $2,150; assistant clerk, $1,830; additional clerk, $1,520. Privileges and Elections—clerk, $3,300; assistant clerk, $2,040; assistant clerk, $1,830: additional clerk, $1,520. Public Buildings and Grounds—clerk, $3,300; assistant clerk, $1,840, assistant clerk, $1,830, additional clerk, $1,520 Public Lands and Surveys—clerk, $3,300, assistant clerk, $2,360; assistant clerk, $2,150, two assistant clerks, at $1,830 each. Revision of the Laws—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830; additional clerk, $1,520 Rules—clerk, $3,300, to include full compensation for the preparation biennially of the Senate Manual under the direction of the Committee on Rules, two assistant clerks, at $2,150 each, assistant clerk, $1,830; additional clerk, $1,520. Territories and Insular Possessions—clerk, $3,300; assistant clerk, $1,940; assistant clerk, $1,830 additional clerk, $1,520

Clerical assistance to Senators—Clerical assistance to Senators who are not chairmen of the committees specifically provided for herein, as follows: Seventy clerks at $3,300 each, seventy assistant clerks at $1,940 each, and seventy assistant clerks at $1,830 each Such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

Seventy-one additional clerks at $1,520 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman.

Office of Sergeant at Arms and Doorkeeper—Sergeant at Arms and Doorkeeper, $6,500; Assistant Doorkeeper, $4,200; Acting Assistant Doorkeeper, $4,200; two floor assistants, at $3,600 each; messengers—five (acting as assistant doorkeepers, including one for minority), at $2,150 each, thirty-eight (including one for minority), at $1,770 each; one, $1,310; one at card door, $1,940; clerk on Journal work for Congressional Record, to be selected by the official reporters, $2,800; storekeeper, $2,740, stenographer in charge of furniture accounts and records, $1,520, upholsterer and locksmith, $1,770; cabinetmaker, $1,520; three carpenters, at $1,390 each; janitor, $1,520; five skilled laborers, at $1,310 each, laborer in charge of private passage, $1,340; three female attendants in charge of ladies' retiring rooms, at $1,240 each; three attendants to women's toilet rooms, Senate Office Building, at $1,010 each, telephone operators—chief, $2,040, four, at $1,200 each; night operator, $1,010, telephone page, $1,010, laborer in charge of Senate toilet rooms in old library space, $950, press gallery—superintendent, $2,740, assistant superintendent, $1,840; messenger for service to press correspondents, $1,240; laborers—three, at $1,100 each, thirty-four at $1,010 each; twenty-one pages for the Senate Chamber, at the rate of $3.30 per day each, during the session.

Police force for Senate Office Building under the Sergeant at Arms. Sixteen privates, $1,360 each; special officer, $1,520

Post Office—Postmaster, $2,740; chief clerk, $2,150; eight mail carriers and one wagon master, at $1,520 each, three riding pages, at $1,220 each.

Folding Room—Superintendent, $1,940; foreman, $1,940; assistant, $1,730; clerk, $1,520; folders—seven at $1,310 each, seven at $1,140 each. (R. S. § 52. March 20, 1922, c. 103, 42 Stat 423. July 1, 1922, c. 258, § 1, 42 Stat. 768. Feb. 20, 1923, c. 98, 42 Stat. 1266. March 4, 1923, c. 292, § 1, 42 Stat. 1528 May 24, 1924, c. 183, § 1, 43 Stat. 146. June 7, 1924, c. 303, § 1, 43 Stat. 580.)

This section is a part of § 1 of an act entitled "An act to fix the compensation of officers and employees of the Legislative Branch of the Government," cited above. Section 2 of this act provides that the act shall take effect on July 1, 1924

For current appropriation for officers and employees of the Senate see Act March 4, 1925, c 549, § 1, 43 Stat. 1286. Said act also provides for a second assistant in the office of the Superintendent of the Document Room, at $2,100. The Second Deficiency Act, fiscal year 1925, Act March 4,

1925, c 556, § 1, 43 Stat 1313, makes an appropriation for a messenger to the Committee on Foreign Relations

§ 59. Officers and employés of House of Representatives—The following positions and annual (except where specified otherwise) rates of compensation are hereby established: * *

Office of the Speaker—Secretary to the Speaker, $4,200; clerk to the Speaker's table; $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,940; messenger to the Speaker's table, $1,520, messenger to the Speaker, $1,440

Chaplain—Chaplain of the House of Representatives, $1,520.

Office of the Clerk—Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500, journal clerk, and two reading clerks, at $4,200 each; disbursing clerk, $3,570; tally clerk, $3,470, file clerk, $3,420; enrolling clerk, $3,200 and $1,000 additional so long as the position is held by the present incumbent; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, $3,600, two assistant custodians at $3,000 each; chief bill clerk, $3,150; assistant enrolling clerk, $2,880; assistant to disbursing clerk, $2,780; stationery clerk, $2,570, librarian, $2,460; assistant librarian, $2,240; assistant file clerk, $2,250, assistant librarian, and assistant journal clerk, at $2,150 each; clerks—one $2,150, three at $2,020 each; bookkeeper, and assistant in disbursing office, at $1,940 each; four assistants to chief bill clerk, at $1,830 each; stenographer to the Clerk, $1,730; locksmith and typewriter repairer, $1,620; messenger and clock repairer, $1,520; assistant in stationery room, $1,520, three messengers, at $1,410 each; stenographer to Journal clerk, $1,310; nine telephone operators, at $1,200 each; three session telephone operators, at $100 per month each; substitute telephone operator, when required, at $3 30 per day; laborers—three at $1,200 each, nine at $1,010 each.

Committee employés—Clerks, messengers, and janitors to the following committees: Accounts—clerk, $2,880; assistant clerk, $2,150; janitor, $1,310. Agriculture—clerk, $2,880, assistant clerk, $2,150; janitor, $1,310. Appropriations—clerk, $5,000, and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $4,000; six assistant clerks, at $3,000 each, assistant clerk, $2,440; janitor, $1,440. Banking and Currency—clerk, $2,360; assistant clerk, $1,520; janitor, $1,010. Census—clerk, $2,360; janitor, $1,010. Claims—clerk, $2,880; assistant clerk, $1,520; janitor, $1,010. Coinage, Weights, and Measures—clerk, $2,360, janitor, $1,010 Disposition of Useless Executive Papers—clerk, $2,360. District of Columbia—clerk, $2,880; assistant clerk, $2,150; janitor, $1,010. Education—clerk, $2,360 Election of President, Vice President, and Representatives in Congress—clerk, $2,360 Elections Numbered 1—clerk, $2,360, janitor, $1,010. Elections Numbered 2—clerk, $2,360; janitor, $1,010. Elections Numbered 3—clerk, $2,360, janitor, $1,010. Enrolled Bills—clerk, $2,360; janitor. $1,010. Flood Control—clerk, $2,360; janitor, $1,010. Foreign Affairs—clerk, $2,880. assistant clerk, $2,150; janitor, $1 010. Immigration and Naturalization—clerk, $2,360. janitor, $1,010. Indian Affairs—clerk, $2,880, assistant clerk, $2,150; janitor, $1,010 Industrial Arts and Expositions—clerk, $2,360; janitor, $1,010. Insular Affairs—clerk, $2,360; janitor, $1,010. Interstate and Foreign Commerce—clerk, $2,880; additional clerk, $2,360; assistant clerk, $1,830; janitor, $1,310. Irrigation and Reclamation—clerk, $2,360; janitor, $1,010. Invalid Pensions—clerk, $2,880; stenographer, $2,560; assistant clerk, $2,360; janitor, $1,240. Judiciary—clerk, $2,880, assistant clerk, $1,940; janitor, $1,240 Labor—clerk, $2,360, janitor, $1,010. Library—clerk, $2,360, janitor $1,010 Merchant Marine and Fisheries—clerk, $2,360; janitor, $1,010 Military Affairs—clerk, $2,880, assistant clerk, $1,830; janitor, $1,310. Mines and Mining—clerk, $2,360; janitor, $1,010 Naval Affairs—clerk, $2,880; assistant clerk, $1,830; janitor, $1,310. Patents—clerk, $2,360; janitor. $1,010. Pensions—clerk, $2,880, assistant clerk, $1,940; janitor, $1,010. Post Offices and Post Roads—clerk, $2,880; assistant clerk, $1,730; janitor, $1,310 Printing—clerk, $2,360; janitor, $1,310. Public Buildings and Grounds—clerk. $2,880; assistant clerk, $1,520; janitor, $1,010. Public Lands—clerk, $2 360; assistant clerk, $1,520, janitor, $1,010. Civil Service—clerk, $2,360, janitor, $1,010. Revision of the Laws—clerk, $3,000, janitor, $1,010 Rivers and Harbors—clerk, $2,880; assistant clerk, $2,150; janitor, $1,310. Roads—clerk, $2.360; janitor, $1,010. Rules—clerk, $2,360; assistant clerk. $1,830; janitor, $1.010. Territories—clerk, $2,360, janitor, $1,010. War Claims—clerk, $2,880; assistant clerk, $1,520, janitor, $1,010. Ways and Means—clerk, $3,600; assistant clerk and stenographer, $2,360; assistant clerk, $2,250; janitors—one $1.310, one $1,010. World War Veterans' Legislation—clerk, $2,880; assistant clerk, $2,150

Office of Sergeant at Arms—Sergeant at Arms, $6,500; Deputy Sergeant at Arms, $2,880; cashier, $4,000; two bookkeepers, at $2,640 each; Deputy Sergeant at Arms in charge of pairs, $2,150; pair clerk and messenger, $2,150, messenger, $1,730, stenographer and typewriter, $1,200; skilled laborer, $1,140.

Police Force, House Office Building, under the Sergeant at Arms: Lieutenant, $1,520; nineteen privates, at $1,360 each.

Office of the Doorkeeper—Doorkeeper, $5,000; special employee, $2,040; superintendent of House press gallery, $2,240, assistant to the superintendent of the House press gallery, $1,520, janitor, $2,040, messengers—seventeen at $1,500 each, fourteen on soldiers' roll at $1,520 each; laborers—seventeen at $1,010 each, two known as cloakroom men at $1,140 each, eight known as cloakroom men, one at $1,010, and seven at $890 each; two female attendants in ladies' retiring rooms at $1,440 each; superintendent of folding room, $2,880; foreman of folding room, $2,340; chief clerk to superintendent of folding room, $2,150; three clerks at $1,940 each; janitor, $1,010; laborer, $1,010; thirty-one folders, at $1,200 each; shipping clerk, $1,520; two drivers, at $1,140 each; two chief pages at $1,740 each; two telephone pages, at $1,440 each; two floor managers of telephones (one for the minority), at $2,400 each; assistant messenger in charge of telephones, $1,830; forty-two pages during the session at $3 30 per day each; laborer, $1,100; superintendent of document room, $3,050; assistant superintendent of document room, $2,460; clerk, $2,040; assistant clerk, $1,940; eight assistants, at $1,600 each; janitor, $1,220; messenger to pressroom, $1,310.

Special and minority employés—Special employee (Joel Grayson) in the document room, $2,740.

Six minority employees at $2,150 each, authorized and named in the resolution of December 5, 1923.

Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, at $4 76 per day.

Laborer, authorized and named in the resolution of April 28, 1914, $1,140.

Laborer, authorized and named in the resolution of December 19, 1901, $1,140.

Clerk, under the direction of the Clerk of the House, named in the resolution of February 13, 1923, $2,740.

Successors to any of the employees provided for in

the five preceding paragraphs may be named by the House of Representatives at any time

Office of Majority Floor Leader. Legislative clerk, $3,600, clerk, $2,880; assistant clerk, $1,830, janitor, $1,310

Conference Minority: Clerk, $2,880; assistant clerk, $1,740; janitor, $1,310. The foregoing employees to be appointed by the minority leader.

Two messengers, one in the majority caucus room, and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at $1,520 each

Post office—Postmaster, $4,200; assistant postmaster, $2,570, registry and money-order clerk, $1,-830; thirty-four messengers (including one to superintend transportation of mails), at $1,520 each, substitute messengers and extra services of regular employees, when required, at the rate of not to exceed $105 per month each: laborer, $1,010.

Official reporters of debates—Six official reporters of the proceedings and debates of the House at $6,000 each, assistant, $3,000, six expert transcribers, at $1,520 each, janitor, $1,220

Committee stenographers—Four stenographers to committees, at $6,000 each; janitor, $1,220

Clerk hire, members, delegates, and resident commissioners—The clerk hire for each Member, Delegate, and Resident Commissioner shall be at the rate of $4,000 per annum and shall be paid in accordance with the Act of January 25, 1923 (Forty-second Statutes, chapter 43, page 1217): Provided, That no person shall receive a salary from such clerk hire at a rate in excess of $3,300 per annum. (May 24, 1924, c. 183, § 1, 43 Stat. 149)

This section is a part of § 1 of an act entitled "An act to fix the compensation of officers and employees of the Legislative Branch of the Government," cited above Section 2 of this act provides that the act shall take effect on July 1, 1924

The act referred to in the last paragraph of this section is Res Jan 25, 1923, c. 43, 42 Stat 1217 post, § 75a.

For current appropriation for officers and employees of the House of Representatives, see Act March 4, 1925, c. 549, § 1, 43 Stat 1289.

§ 59a. Clerk for minority members of Committee on Ways and Means—For compensation at the rate of $2,880 a year from March 4, 1925, to June 30, 1926, inclusive, of a clerk for the minority members of the Committee on Ways and Means, $3,816. This position is hereby established at such rate of compensation as Congress may from time to time appropriate and incumbents thereof shall be appointed by and be subject to the direction of the ranking minority member of that committee: Provided, That during the period between the expiration of a Congress and the election of the members of the Committee on Ways and Means at the succeeding Congress such clerk shall be appointed by and be subject to the direction of that ranking minority member of the committee of the expiring Congress who is also a member elect of the succeeding Congress (March 4, 1925, c. 549, § 1, 43 Stat. 1292.)

From the Legislative appropriation act for the year 1926, cited above

§ 59b. Messengers in majority and minority caucus rooms—To continue the employment of messengers in the majority and minority caucus rooms, to be appointed by the majority and minority whips, respectively, at $1,520 each; in all, $3,040. (March 4, 1925, c. 549, § 1, 43 Stat. 1293.)

From the Legislative appropriation act for the year 1926, cited above.

§ 73. Janitors to committees of House—Janitors under the foregoing shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed. (March 20, 1922, c. 103, 42 Stat. 427. Feb. 20, 1923, c 98. 42 Stat. 1269 June 7, 1924, c. 303, § 1, 43 Stat 583. March 4, 1925. c 519, § 1, 43 Stat. 1291.)

From the Legislative appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 74a.

See ante, § 58

§ 74b. Clerical assistants to Senators-elect—Senators elected, whose term of office begins on the 4th day of March, and whose credentials in due form of law shall have been presented to the Senate, or filed with the Secretary thereof, are authorized to appoint the same number of clerical assistants, not to exceed four, at the same annual salaries to which qualified Senators, not chairmen of committees, are entitled, whose compensation shall be paid out of the appropriation for clerical assistance to Senators (Feb. 20, 1923, c. 98, 42 Stat. 1266.)

From the legislative appropriation act for the year 1924, cited above.

§ 75.

The Legislative appropriation act for the year 1926, Act March 4, 1925, c 549, § 1, 43 Stat 1290, 1293, makes an appropriation for clerk hire for members, delegates, and resident commissioners of the House Said act also appropriates for clerks, messengers, and janitors to certain enumerated committees of the House accompanied by the limitation that such appropriations "shall not be available for the payment of any clerk or assistant clerk to a committee who does not, after the termination of the Congress during which he was appointed, perform his duties under the direction of the Clerk of the House. Provided, That the foregoing shall not apply to the Committee on Accounts." See, also post, § 75a.

§ 75a. Payment of appropriations for clerk hire for Members, Delegates, and Resident Commissioners—Hereafter appropriations made by Congress for clerk hire for Members, Delegates, and Resident Commissioners shall be paid by the Clerk of the House of Representatives to one or two persons to be designated by each Member, Delegate, or Resident Commissioner, the names of such persons to be placed upon the roll of employees of the House of Representatives, together with the amount to be paid each; and Representatives, Delegates, and Resident Commissioners elect to Congress shall likewise be entitled to make such designations: Provided, That such persons shall be subject to removal at any time by such Member, Delegate or Resident Commissioner with or without cause (Jan. 25, 1923, c 43, 42 Stat. 1217.)

This section is a resolution entitled a "Joint resolution providing for pay to clerks to Members of Congress and Delegates," cited above It is practically a duplication of Res July 11, 1919, c. 22, 41 Stat. 162.

§ 78.

Superseded as to amount of compensation to be paid to each of the official reporters of the House by § 59, ante For current appropriation for the official reporters of the House, see Act March 4, 1925, c. 549, § 1, 43 Stat. 1293.

§ 89a. Preparation and contents of statement of appropriations—In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations as the committees may deem necessary. (June 7, 1924, c. 303, § 1, 43 Stat. 586.)

From the Legislative appropriation act for the year 1925, cited above, accompanying an appropriation for the preparation of the statement of appropriations for the first session of the 68th Congress.

§ 106a. Legislative Counsel; name changed to; duties; compensation—(a) There is hereby created a Legislative Drafting Service under the direction of two draftsmen, one of whom shall be appointed by the President of the Senate, and one by the Speaker of the House of Representatives, without

reference to political affiliations and solely on the ground of fitness to perform the duties of the office Each draftsman shall receive a salary of $5,000 a year, payable monthly The draftsmen shall, subject to the approval of the President of the Senate and the Speaker of the House of Representatives, employ and fix the compensation of such assistant draftsmen, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the service and as may be appropriated for by Congress.

(b) The Drafting Service shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of either House of Congress, but the Library Committee of the Senate and the Library Committee of the House of Representatives, respectively, may determine the preference, if any, to be given to such requests of the committees of either House, respectively. The draftsmen shall, from time to time, prescribe rules and regulations for the conduct of the work of the service for the committees of each House, subject to the approval of the Library Committee of each House, respectively.

(c) For the remainder of the current fiscal year there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the purpose of defraying the expenses of the establishment and maintenance of the service, including the payment of salaries herein authorized. One-half of all appropriations for the service shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

(d) After this subdivision takes effect the legislative drafting service shall be known as the office of the legislative counsel, and the two draftsmen shall be known as legislative counsel. The positions of legislative counsel shall be allocated from time to time by the President of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 13 of the Classification Act of 1923 The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President of the Senate and the Speaker of the House of Representatives, respectively The increased compensation provided for in this subdivision shall, when fixed, be in lieu of the salary specified in subdivision (a). The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (Feb. 24, 1919, c 18, § 1303, 40 Stat. 1141, amended, June 2, 1924, 4:01 p. m., c. 234, § 1101, 43 Stat. 353.)

This section is § 1101 of Title XI of the Revenue Act of 1924, cited above, amending § 1303 of the Revenue Act of 1918

§ 114a. Motor equipment for Senate—That the Secretary of War be, and he is hereby, authorized in his discretion to transfer without charge to the Sergeant at Arms of the United States Senate such motor equipment as is suitable to the needs of the Senate and which is no longer required for the use of the War Department. (July 11, 1919, c 6, § 1, 41 Stat 57.)

From the deficiency appropriation act for the year 1919, and prior fiscal years, cited above.

§ 117a. Index to House daily calendar—Hereafter the index to the daily calendar shall be printed on Monday of each week. (March 1, 1921, c. 89, § 1, 41 Stat. 1181.)

From the "First Deficiency Act, fiscal year 1921," cited above

§ 117b. Joint Committee to investigate adjustment of compensation of officers and employés of Senate and House of Representatives, etc.—A joint committee of Congress is hereby created, consisting of three Senators who are members of the Sixty-eighth Congress, to be appointed by the Vice President, and three Representatives-elect to the Sixty-eighth Congress who are members of the Sixty-seventh Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to Congress on the first day of the next regular session what adjustments, if any, should be made in the compensation of the officers and employees of the Senate and House of Representatives, including joint committees and joint commissions, the office of the Architect of the Capitol, the Legislative Drafting Service, and the Capitol Police. (March 4, 1923, c 293, § 10, 42 Stat 1560.)

This section is § 10 of an act entitled "An act making appropriations to provide additional compensation for certain civilian employés of the Government of the United States and the District of Columbia during the fiscal year ending June 30, 1924," cited above

Chapter Six—The Library of Congress

§ 122a. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations—A board is hereby created and established, to be known as the Library of Congress Trust Fund Board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively) Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business. (March 3, 1925, c. 423, § 1, 43 Stat 1107.)

This section, and the nine sections next following, are an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes," cited above. This act has no section numbered 2

§ 122b. Same; expenses—No compensation shall be paid to the members of the board for their services as such members, but they shall be reimbursed for the expenses necessarily incurred by them, out of the income from the fund or funds in connection with which such expenses are incurred. The voucher of the chairman of the board shall be sufficient evidence that the expenses are properly allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the librarian for the maintenance of the Library of Congress. (March 3, 1925, c. 423, § 1, 43 Stat. 1107.)

See note to § 122a, ante.

§ 122c. Same; gifts, etc., to—The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library. (March 3, 1925, c. 423, § 1, 43 Stat. 1107.)

See note to § 122a, ante.

§ 122d. Same; trust funds; management of—The moneys or securities composing the trust funds given or bequeathed to the board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, or retain investments as the board may from time to time determine. The income as and when collected shall be deposited with the Treasurer of the United States, who shall enter it in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified, and the Treasurer of the United States is hereby authorized to honor the

requisitions of the librarian made in such manner and in accordance with such regulations as the Treasurer may from time to time prescribe Provided, however, That the board is not authorized to engage in any business nor to exercise any voting privilege which may be incidental to securities in its hands, nor shall the board make any investments that could not lawfully be made by a trust company in the District of Columbia, except that it may make any investments directly authorized by the instrument of gift, and may retain any investments accepted by it (March 3, 1925, c. 423, § 1, 43 Stat 1107.)

See note to § 122a, ante

§ 122e. Same; deposits with Treasurer of United States—Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per centum per annum, payable semiannually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified· Provided, however, That the total of such principal sums at any time so held by the Treasurer under this authorization shall not exceed the sum of $5,000,000. (March 3, 1925, c. 423, § 1, 43 Stat. 1107)

See note to § 122a, ante

§ 122f. Same; perpetual succession; suits by or against—The board shall have perpetual succession, with all the usual powers and obligations of a trustee, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it. (March 3, 1925, c. 423, § 3, 43 Stat 1108)

See note to § 122a, ante

§ 122g. Same; gifts, etc., to Library not affected—Nothing in this Act shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts or bequests of money for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the librarian for the purposes in each case specified. (March 3, 1925, c. 423, § 4, 43 Stat. 1108.)

See note to § 122a, ante

§ 122h. Same; gifts, etc., exempt from Federal taxes—Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes. (March 3, 1925, c. 423, § 5, 43 Stat. 1108.)

See note to § 122a, ante

§ 122i. Same; employees; compensation—Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106, nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (Thirty-ninth Statutes at Large, page 582). (March 3, 1925, c 423, § 6, 43 Stat. 1108)

See note to § 122a, ante

§ 122j. Same; report to Congress—The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations. (March 3, 1925, c. 423, § 7, 43 Stat. 1108)

See note to § 122a, ante.

§ 124.

The Legislative appropriation act for the year 1926, Act March 4, 1925, c 549, § 1, 43 Stat 1298, provides as follows:
"For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, $3,000,
"For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $2,500"

§ 129.

For current appropriation for the Library of Congress in accordance with the Classification Act of 1923 see Act March 4, 1925, c 549, § 1, 43 Stat 1297. Section 3 of said act provides as follows:
"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade. Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 134.

Office of Superintendent of Library Building and Grounds abolished. See post, §§ 134b-134e.

§ 134a.

Office of Superintendent of Library Building and Grounds abolished. See, post, §§ 134b-134e.

§ 134b. Office of superintendent of Library Building and Grounds abolished; certain duties transferred to Architect of the Capitol and Librarian of Congress—The office of Superintendent of the Library Building and Grounds is abolished on and after July 1, 1922. Thereafter the Architect of the Capitol shall have charge of all structural work at the Library Building and on the grounds, including all necessary repairs, the operation, maintenance, and repair of the mechanical plant and elevators, the care and maintenance of the grounds, and the purchasing and supplying of all furniture and equipment for the building The employees required for the performance of the foregoing duties shall be appointed by the Architect of the Capitol. All other duties required to be performed by the Superintendent of the Library Building and Grounds shall be performed thereafter under the direction of the Librarian of Congress, who shall appoint the employees necessary therefor. (June 29, 1922, c. 251, § 1, 42 Stat. 715)

This section, and the three sections next following, are an act entitled "An act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress," cited above.

§ 134c. Office of administrative assistant and disbursing officer in Library of Congress created; salary; appointment; duties; bond—The position of administrative assistant and disbursing officer is hereby created in the Library of Congress, effective on July 1, 1922 The salary of such position shall be at the rate of $3,000 per annum, and appointments thereto shall be made by the Librarian The administrative assistant and disbursing officer shall disburse the appropriations for the Library of Congress and the Botanic Garden and shall perform such services in connection with the duties hereby imposed upon the Librarian as he may direct, and shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties (June 29, 1922, c. 251, § 1, 42 Stat 715)

See note to § 134b, ante

For current appropriation for the Library Building in accordance with the Classification Act of 1923 see Act March 4, 1925, c 549, § 1, 43 Stat 1298

§ 134d. Disposition of books, documents, papers, etc., in office of Superintendent of Library Building and Grounds—All books, documents, papers, furniture, and equipment of the office of Superintendent of the Library Building and Grounds shall be divided between and transferred to the Architect of the Capitol and the Library of Congress on the basis of duties transferred. (June 29, 1922, c. 251, § 2, 42 Stat 715)

See note to § 134b, ante

§ 134e. Appropriations for Library Building and Grounds—The appropriation of $3,600 for the fiscal year 1923 for the salary of the Superintendent of the Library Building and Grounds is made available for the payment of the salary of the administrative assistant and disbursing officer at the rate of $3,000 per annum during such fiscal year All appropriations for the fiscal year 1923 for the Library Building and Grounds shall be apportioned between, transferred to, and made available for the Architect of the Capitol and the Library of Congress on the basis of duties transferred. The appropriation for the fiscal year 1923 for printing and binding for the Library of Congress shall be apportioned between the Library of Congress and the Architect of the Capitol and that portion allotted to the building and grounds shall be transferred to and made available for the Architect of the Capitol The appropriations and portions of appropriations herein transferred to the Architect of the Capitol, and all appropriations hereafter made to him on account of the Library Building and Grounds shall be disbursed for that purpose in the same manner as other appropriations under his control (June 29, 1922, c. 251, § 3, 42 Stat. 715.)

See note to § 134b, ante.

§ 144.

The appropriation for keeping the Library open for reference use on Sundays and holidays is continued in Act March 4, 1925, c. 549, § 1, 43 Stat. 1298

Chapter Eight A—Contributions for Purpose of Influencing Elections

§§ 188–198. [Repealed.]

These sections (Act June 25, 1910, c. 392, 36 Stat 822, as amended by Act Aug 19, 1911, c 33, 37 Stat 25, and Act Aug. 23, 1912, c 349, 37 Stat 360) are repealed by § 318 of Act Feb. 28, 1925, c. 368, 43 Stat. 1074, post, § 198¼p. See § 198¼, post, and note thereunder.

Chapter Eight AA—Federal Corrupt Practices Act, 1925

This chapter consists of Title III of Act Feb. 28, 1925, c. 368, §§ 301-319, 43 Stat 1070, which title is "Federal Corrupt Practices Act, 1925"

§ 198¼. Citation of act—This title may be cited as the "Federal Corrupt Practices Act, 1925." (Feb. 28, 1925, c 368, title III, § 301, 43 Stat. 1070.)

This section, and the sixteen sections next following are §§ 301-311, 313-318 of Title III of an act entitled 'An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," cited above Section 312 of this title amends § 118 of the Criminal Code See post, § 10288 Section 319 provides that it (the title) shall take effect thirty days after its enactment.

§ 198¼a. Definitions—When used in this title—

(a) The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party,

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization,

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure,

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons,

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (Feb. 28, 1925, c. 368, title III, § 302, 43 Stat. 1070.)

See note to § 198¼, ante

§ 198¼b. Chairman and treasurer of political committee; duties as to contributions; accounts and receipts—(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution, and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political com-

mittee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at last two years from the date of the filing of the statement containing such items. (Feb. 28, 1925, c. 368, title III, § 303, 43 Stat. 1071)

See note to § 198¼, ante

§ 198¼c. Accounts of contributions received—Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received. (Feb. 28, 1925, c. 368, title III, § 304, 43 Stat. 1071.)

See note to § 198¼, ante.

§ 198¼d. Statements by treasurer filed with Clerk of House of Representatives—(a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of $100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of $10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year. (Feb. 28, 1925, c. 368, title III, § 305, 43 Stat. 1071.)

See note to § 198¼, ante.

§ 198¼e. Statements by others than political committee filed with Clerk of House of Representatives—Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305. (Feb. 28, 1925, c. 368, title III, § 306, 43 Stat. 1072.)

See note to § 198¼, ante.

§ 198¼f. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives—(a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made, except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated,

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate. (Feb. 28, 1925, c. 368, title III, § 307, 43 Stat. 1072.)

See note to § 198¼, ante.

§ 198¼g. Statements; verification; filing; preservation; inspection—A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection. (Feb. 28, 1925, c. 368, title III, § 308, 43 Stat. 1072.)

See note to § 198¼, ante.

§ 198¼h. Limitation upon amount of expenditures by candidate—(a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less

amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of $10,000 if a candidate for Senator, or the sum of $2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative, Delegate, or Resident Commissioner

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate. (Feb 28, 1925, c. 368, title III, § 309, 43 Stat. 1073)

See note to § 198¼, ante.

§ 198¼i. Promises or pledges by candidate—It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy. (Feb 28, 1925, c. 368, title III, § 310, 43 Stat. 1073.)

See note to § 198¼, ante

§ 198¼j. Expenditures to influence voting—It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote (Feb. 28, 1925, c. 368, title III, § 311, 43 Stat. 1073.)

See note to § 198¼, ante.

§ 198¼k. Contributions by national banks or other Federal corporations; penalty—It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both. (Feb. 28, 1925, c. 368, title III, § 313, 43 Stat. 1074)

See note to § 198¼, ante.

§ 198¼l. General penalties for violations of act—(a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years (Feb. 28, 1925, c 368, title III, § 314, 43 Stat 1074)

See note to § 198¼, ante.

§ 198¼m. Expenses of election contests—This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election (Feb. 28. 1925, c 368, title III, § 315, 43 Stat 1074.)

See note to § 198¼, ante.

§ 198¼n. State laws not affected—This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws (Feb. 28, 1925, c. 368, title III, § 316, 43 Stat. 1074.)

See note to § 198¼, ante.

§ 198¼o. Partial invalidity of act—If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Feb. 28, 1925, c. 368, title III, § 317, 43 Stat. 1074)

See note to § 198¼, ante.

§ 198¼p. Acts repealed—The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822), and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187, Fortieth Statutes, page 1013), and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chapter 321, Thirty-fifth Statutes, page 1088). (Feb. 28, 1925, c. 368, title III, § 318, 43 Stat. 1074.)

See note to § 198¼, ante.

TITLE III—THE PRESIDENT

Chapter Two—Office and Compensation of the President

§ 227.

For current appropriation for the Secretary to the President, and the office of the President, in accordance with the Classification Act of 1923, see Act March 3, 1925, c 468, § 1, 43 Stat. 1198. Section 2 of said Act March 3, 1925, c. 468, reads as follows:

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a

different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 229. Detail of employés of Executive Departments to office of President—Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary. (June 12, 1922, c. 218, 42 Stat. 636 Feb. 13, 1923, c 72, 42 Stat. 1227 June 7, 1924, c 292, § 1, 43 Stat 521. March 3, 1925, c. 468, § 1, 43 Stat 1198)

From the Executive and independent executive bureaus, boards, commissions and offices appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 231a. Protection of the President—Suppressing counterfeiting and other crimes· For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for no other purpose whatever, except in the protection of the person of the President and of the person chosen to be President of the United States, which protection is hereafter authorized * * (June 23, 1913, c. 3, § 1, 38 Stat. 23)

From the sundry civil appropriation act for the year 1913, cited above.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c 87, title I, 43 Stat. 774, authorizes an expenditure from the appropriation for the suppression of counterfeiting and other crimes for the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States.

The State, Justice, Judiciary, Commerce, and Labor appropriation act for the year 1926, Act Feb 27, 1925, c. 364, title II, 43 Stat 1026, authorizes the use of funds from the appropriation for the detection and prosecution of crimes for the "protection of the person of the President of the United States."

Chapter Three—White House Police

§ 231¼. Police force established; control and supervision; privileges, powers, and duties—There is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the White House police Such force shall be under the sole control of the President and under the direct supervision of such officer as he may designate The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges, powers, and duties as the President may prescribe. (Sept. 14, 1922, c. 308, § 1, 42 Stat. 841.)

This section, and the six sections next following are §§ 1-7 of an act entitled "An act to create the White House police force, and for other purposes," cited above Section 8 provides that the act shall be in effect on and after July 1, 1922

§ 231¼a. Personnel; appointment; vacancies—(a) The White House police force shall consist of one first sergeant with grade corresponding to that of detective sergeant (Metropolitan police), two sergeants with grade corresponding to that of sergeant (Metropolitan police), and thirty privates with grade corresponding to that of private, class three (Metropolitan police), appointed under the direction of the President from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner

(b) Any vacancy in the Metropolitan police force or in the United States park police force caused by appointments to the White House police force shall be filled in the manner provided by law. (Sept. 14, 1922, c 308, § 2, 42 Stat 841)

See note to § 231¼, ante

§ 231¼b. Grades of appointees; salaries; transfers—(a) No person shall be appointed a member of the White House police force at a grade lower than the grade held by him as a member of the Metropolitan police force or of the United States park police force at the time of his appointment

(b) A member of the White House police force shall receive a salary at the rate provided for the corresponding grade in the Metropolitan police force, and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished the United States park police, and he shall be entitled to the same leave allowances as a member of the United States park police force

(c) The President may transfer a member of the White House police force to the organization of which he was a member at the time of his appointment to such force. (Sept 14, 1922, c 308, § 3, 42 Stat 842.)

See note to § 231¼, ante

§ 231¼c. Retirement of members—(a) A member of the United States park police force appointed to the White House police force shall be included within the provisions of section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, upon payment into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per centum of the total basic salary received by him since September 1, 1916, as a member of such United States park police force and as a watchman of the United States in any public square or reservation of the District of Columbia.

(b) For the purposes of retirement under such Act service with the United States park police force and service as a watchman of the United States in any public square or reservation of the District of Columbia shall be deemed service with the White House police force.

(c) Any member of the Metropolitan police force appointed to the White House police force shall continue to be subject to the provisions of section 12 of such Act, and appointment of such member to the White House police force or transfer of such member to his former organization shall not affect any right, privilege, or duty of such member under the provisions of such section of such Act. (Sept. 14, 1922, c. 308, § 4, 42 Stat. 842)

See note to § 231¼, ante

§ 231¼d. Same—A member of the United States park police force appointed to the White House police force shall be paid a refund as provided for in section 11 of the Act entitled "An Act for the retirement of employees in the classified civil service and for other purposes," approved May 22, 1920, as amended, and upon transfer to the United States park police force he shall be paid a refund from the policemen and firemen's relief fund of all money paid by him as salary deductions into such fund, and he shall be reinstated and included within the provisions of such Act upon payment to the Secretary of the Treasury of an amount equal to the amount refunded to him, at the time of such appointment, under the provisions of sec-

tion 11 of such Act, plus an amount equal to 2½ per centum of the total basic salary received by him during the period of his service as a member of the White House police force For the purposes of retirement under such Act service with the White House police force shall be deemed service with the United States park police force (Sept 14, 1922, c 308, § 5, 42 Stat. 842.)

See note to § 231¼, ante

§ 231¼e. Transfer of members to other Departments—The provisions of section 5 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," approved June 22, 1906, and of section 7 of the Act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved October 6, 1917, shall not apply to persons appointed or transferred under the provisions of this Act (Sept 14, 1922, c. 308, § 6, 42 Stat. 842.)

See note to § 231¼, ante

§ 231¼f. Disbursement of funds—The amounts necessary for the payment of salaries and for the purchase of uniforms and other equipment of the White House police force shall be disbursed by the officer in charge of public buildings and grounds, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act. (Sept. 14, 1922, c. 308, § 7, 42 Stat. 843)

See note to § 231¼, ante.

TITLE IV—PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS

§ 243a. Employment of wives of soldiers and sailors—The wife of a soldier or sailor serving in the present war shall not be disqualified for any position or appointment under the Government because she is a married woman. (Aug 31, 1918, c. 166, § 5, 40 Stat. 956.)

This section is § 5 of an act entitled "An act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above.

§ 252a. Details of persons in classified service at Washington for service outside District—In expending appropriations made in this Act persons in the classified service in the District of Columbia shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: Provided, That nothing in this section shall be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice. (March 3, 1921, c 124, § 5, 41 Stat. 1308.)

From the legislative, executive, and judicial appropriation act for 1922, cited above The appropriations referred to are those made for officers, etc, in the legislative, executive, and judicial departments. The same provision is contained in prior acts

§ 258a. Payment of expenditures of United States Geographic Board—United States Geographic Board. * * All expenditures of the board shall be paid upon vouchers approved by it and signed by its secretary, who shall act as its disbursing agent without bond (Feb 13, 1923, c. 72, 42 Stat 1241)

From the Executive office and independent executive bureaus, boards, commissions, and offices appropriation act, cited above, accompanying an appropriation for printing and binding for the Board

§ 272aa. Prosecution of claims for supplies for Military Establishment—It shall be unlawful for any person who, as a commissioned officer of the Army, or officer or employee of the United States, has at any time since April 6, 1917, been employed in any Bureau of the Government and in such employment been engaged on behalf of the United States in procuring or assisting to procure supplies for the Military Establishment, or who has been engaged in the settlement or adjustment of contracts or agreements for the procurement of supplies for the Military Establishment, within two years next after his discharge or other separation from the service of the Government, to solicit employment in the presentation or to aid or assist for compensation in the prosecution of claims against the United States arising out of any contracts or agreements for the procurement of supplies for said Bureau, which were pending or entered into while the said officer or employee was associated therewith A violation of this provision of this chapter shall be punished by a fine of not more than $10,000 or imprisonment for not more than one year, or both: Provided, That all Acts or parts of Acts inconsistent with any of the provisions of this Act are hereby repealed. (July 11, 1919, c. 8, subchapter IV, 41 Stat. 131.)

This section is a part of subchapter IV of the army appropriation act for the fiscal year 1920, cited above.

§ 273.

The limitation in this section is extended to $450 for the purchase of newspapers for the office of the Secretary of the Interior by a provision in the Interior Department appropriation act for the year 1926, Act March 3, 1925, c 462, 43 Stat. 1142 This section is made inapplicable during the fiscal year 1926 to purchase for the Bureau of Mines of newspapers published in Alaska by another provision in said Act March 3, 1925, c 462, 43 Stat 1174. It is also made inapplicable to the purchase for the Bureau of Mines of newspapers relating to oil, gas, and allied industries by another provision in said act, March 3, 1925, c. 462, 43 Stat. 1175

§ 281a. Custody of files and records of war agencies—Except as otherwise provided by law the President is authorized to transfer to the custody and care of such of the departments or independent establishments as he may determine the files and records of the agencies created for the period of the war upon the discontinuance of such activities. (July 19, 1919, c. 24, § 4, 41 Stat. 233.)

This section is § 4 of the sundry civil appropriation act for the fiscal year 1920, cited above.

§§ 283a-283f. [Inoperative]

These sections—Act May 20, 1918, c. 78, 40 Stat 556, entitled "An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the government," section 1 of which provides, among other things that "this act shall remain in force during the continuance of the present war and for six months after the termination of the war by the proclamation of the treaty of peace, or at such earlier time as the President may designate," ceased to be effective because of the cessation of the emergency (the war with Germany and Austria-Hungary), to meet which the act was enacted, on March 3, 1921, in accordance with the provisions of Res. March 3, 1921, c. 136, 41 Stat. 1359, post, § 3115¼/16f.

§ 283g. Joint Committee on Reorganization of Administrative Branch of Government; members; vacancies—A joint committee is created, to be known as the Joint Committee on Reorganization, which shall consist of three Members of the Senate to be appointed by the President thereof, and three Members of the House of Representatives to be appointed by the Speaker thereof. Vacancies occurring in the member-

ship of the committee shall be filled in the same manner as the original appointments. (Dec. 29, 1920, c. 7, § 1, 41 Stat 1083.)

This section, and the three sections next following, are a Joint Resolution entitled a "Joint Resolution to create a Joint Committee on the Reorganization of the Administrative Branch of the Government," cited above. Became a law without the approval of the President by lapse of time

§ 283h. Same; duties—It shall be the duty of the Joint Committee on Reorganization to make a survey of the administrative services of the Government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority, also to determine what redistribution of activities should be made among the several services, with a view to the proper correlation of the same, and what departmental regrouping of services should be made, so that each executive department shall embrace only services having close working relation with each other and ministering directly to the primary purpose for which the same are maintained and operated, to the end that there shall be achieved the largest possible measure of efficiency and economy in the conduct of Government business. (Dec. 29, 1920, c. 7, § 2, 41 Stat. 1083.)

See note to § 283g, ante.

§ 283i. Same; clerical assistance; expenditures—The committee shall, from time to time, report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and shall prepare and submit bills or resolutions having for their purpose the coordination of Government functions and their most efficient and economical conduct, and the final report of said committee shall be submitted not later than July 1, 1924. The committee is authorized to employ such assistance as it may require at such compensation as the committee may determine to be just and reasonable, and to make such reasonable expenditures as may be necessary for the proper conduct of its work, such expenditures to be paid in equal parts from the contingent funds of the House of Representatives and the Senate, as from time to time may be duly authorized by resolutions of those bodies. (Dec 29, 1920, c. 7, § 3, 41 Stat. 1083, amended, March 4, 1923, c. 300, 42 Stat. 1562.)

This section was amended by Res March 4, 1923, c 300, 42 Stat 1562, cited above, by substituting for the words and figures "the second Monday in December, 1922," the word and figures "July 1, 1924," as set forth above.

See note to § 283g, ante.

§ 283j. Same; information furnished to by officers and employees of administrative services; access to books, papers, records, etc.—The officers and employees of all administrative services of the Government shall furnish to the committee such information regarding powers, duties, activities, organization, and methods of business as the committee may from time to time require, and the committee or any of its employees, when duly authorized by the committee shall have access to and the right to examine any books, documents, papers, or records of any administrative service for the purpose of securing the information needed by the committee in the prosecution of its work. (Dec. 29, 1920, c. 7, § 4, 41 Stat 1084.)

See note to § 283g, ante

§ 283k. Same; representative of Executive to co-operate with; appointment; salary—The President of the United States is authorized to appoint a representative of the Executive to co-operate with the Joint Committee on Reorganization, created under the joint resolution of December 17, 1920, entitled a "Joint resolution to create a Joint Committee on the Reorganization of the Administrative Branch of the Government," who shall receive an annual salary of $7,500, payable monthly, such salary to be paid in equal parts from the contingent funds of the Senate and House of Representatives as from time to time may be duly authorized by resolutions of those bodies. (May 5, 1921, c. 4, 42 Stat. 3)

This is a resolution entitled a "Joint Resolution to authorize the President of the United States to appoint a representative of the Executive to co-operate with the Joint Committee on Reorganization," cited above.

TITLE V—THE DEPARTMENT OF STATE

§ 285.

Salary of Secretary of State increased to $15,000 per annum See ante, § 36.

§ 287.

Salary of Secretary of State increased to $15,000 per annum See ante, § 36.

§ 288.

Title of "Second Assistant Secretary of State" changed to "Assistant Secretary of State" See post, § 289a. Additional Assistant Secretary of State provided for. See post, § 289b

§ 289.

Title of "Third Assistant Secretary of State" changed to "Assistant Secretary of State." See post, § 289a Additional Assistant Secretary of State provided for. See post, § 289b

§ 289a. Titles of Second Assistant and Third Assistant Secretary of State changed to Assistant Secretary of State—The titles "Second Assistant Secretary of State" and "Third Assistant Secretary of State" shall hereafter be known as "Assistant Secretary of State" without numerical distinction of rank: but the change of title shall in no way impair the commissions, salaries, and duties of the present incumbents. (May 24, 1924, c 182, § 22, 43 Stat. 140.)

This section and the section next following are a part of § 22 of an act entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," cited above

§ 289b. Additional Assistant Secretary of State; appointment; salary—There is hereby established in the Department of State an additional "Assistant Secretary of State," who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to compensation at the rate of $7,500 per annum. (May 24, 1924, c. 182, § 22, 43 Stat. 140.)

See note to § 289a, ante.

§ 294. Assistant Solicitors—Department of State. * * Assistant solicitors of the department, to be appointed by the Secretary—one $4,500 (who shall also represent the interests of the United States in all matters or investigations before the International Joint Commission created by the treaty of January 11, 1909, between the United States and Great Britain), five at $3,000 each, two at $2,500 each. * * (June 1, 1922, c. 204, title I, 42 Stat. 599. Jan. 3, 1923, c. 21, title I, 42 Stat. 1068.)

From the State, Justice, and Judiciary appropriation act for the year 1924, cited above. A similar provision is contained in prior acts.

See, also, note to § 297, post.

§ 295. Law clerk to edit laws—Department of State. * * Law clerk and assistant to be selected by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500 respectively. * * (June 1, 1922, c. 204, title I, 42 Stat. 599. Jan. 3, 1923, c. 21, title I, 42 Stat. 1068.)

From the State, Justice, and Judiciary appropriation act for the year 1924, cited above. The same provision is contained in prior acts.

See, also, note to § 297, post.

§ 297.
For current appropriation for Secretary of State, Undersecretary of State, etc, in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title I, 43 Stat 1014 This appropriation is accompanied by the following proviso "Provided, That in expending appropriations or portions of appropriations, contained in this Act for the payment for personal services in the District of Columbia in accordance with The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 297a. Position of Director of Consular Service abolished—The position of Director of the Consular Service is abolished and the salary provided for that office is hereby made available for the salary of the additional Assistant Secretary of State herein authorized (May 24, 1924, c. 182, § 22 43 Stat. 140)

This section is a part of § 22 of Act May 24, 1924, c 182, cited above See § 289a, ante, and note thereunder

§ 310a. Territorial papers; collection, etc., for States by Chief of Division of Publications; clerical assistance—The Chief of Division of Publications of the Department of State (hereinafter referred to as the editor), under the direction of the Secretary of State, and upon the request of the Governor of any State or of any organization duly authorized by him, is authorized and directed to have collected, edited, copied, and suitably arranged for publication, the official papers of the Territory from which such State was formed, now in the national archives, as listed in Parker's "Calendar of Papers in Washington Archives Relating to the Territories of the United States (to 1873)," being publication numbered 148 of the Carnegie Institution of Washington, together with such additional papers of like character that may be found The heads of the several executive departments and independent establishments are directed to cooperate with the editor in such work by giving access to the records and by providing facilities for having them copied The editor is authorized to employ such clerical assistants as may be necessary, and, under the direction of the Secretary of State and without regard to the Classification Act of 1923 and the civil service laws and regulations made thereunder, to engage the services of not more than five persons who are specially qualified for the editorial work necessary in arranging such Territorial papers for publication. For the salaries of such persons and assistants and all other expenses incurred in connection with such work, there is hereby authorized to be appropriated the sum of $20,000 for the fiscal year ending June 30, 1926. and the same sum for each of the two succeeding fiscal years. (March 3, 1925, c. 419, § 1, 43 Stat 1104.)

This section, and the section next following, are an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," cited above.

§ 310b. Same; copies for States—The Secretary of State shall, upon application, furnish without charge to the proper authorities of the several States for publication, a copy of such papers, or any part thereof, as arranged by the editor. (March 3, 1925, c. 419, § 2, 43 Stat. 1104)

See note to § 310a, ante.

TITLE VI—THE DEPARTMENT OF WAR

Chapter A—The Department and the Secretary of War

§ 312.
Salary of Assistant Secretary of War increased to $10,000 per annum. See post, § 334c.
For current appropriation for the salaries of the Secretary of War, and the Assistant Secretary of War, see Act Feb 12, 1925, c 225, title I, 43 Stat. 892.

§ 312a. Offices of Second and Third Assistant Secretaries of War abolished—The offices of Second Assistant Secretary of War and Third Assistant Secretary of War are hereby abolished. (June 3, 1916, c. 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765)

See note to § 1762a, post

§ 314.
For current appropriation for personal services in the office of the Secretary of War in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c. 225, title I, 43 Stat 892 This appropriation is accompanied by the following provision. "Provided, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 315a.
This section was repeated in Act June 30, 1922, c 253, title I, 42 Stat. 716, and in Act March 2, 1923, c. 178, title I, 42 Stat 1377, but not in the subsequent appropriation acts

§ 317. Assignment of clerks and employés to duty in War Department—No clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department. (June 30, 1922, c. 253, title I, 42 Stat. 724. March 2, 1923, c. 178, title I, 42 Stat. 1384. June 7, 1924, c. 291, title I, 43 Stat. 482. Feb. 12, 1925, c. 225, title I, 43 Stat. 896.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 334b. Assistant Secretary of War; duties—Hereafter, in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs. (June 3, 1916, c. 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764.)

See note to § 1762a, post.

§ 334c. Same; salary—The Assistant Secretary of War shall receive a salary of $10,000 per annum. (June 3, 1916, c. 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765.)

See note to § 1762a, post.

§ 334d. Same; detail of officers and civilian employés to office of—There shall be detailed to the office of the Assistant Secretary of War from the branches engaged in procurement such number of officers and civilian employés as may be authorized by regulations approved by the Secretary of War (June 3, 1916, c 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765)

See note to § 1762a, post

§ 334e. Same; chiefs of branches of supplies to report to—Under the direction of the Secretary of War chiefs of branches of the Army charged with the procurement of supplies for the Army shall report direct to the Assistant Secretary of War regarding all matters of procurement. (June 3, 1916, c. 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat 765.)

See note to § 1762a, post

§ 334f. Same; manufacture of supplies at Government arsenals or factories; appropriations for manufacture of matériel—He shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis And all appropriations for manufacture of matériel pertaining to approved projects, which are placed with arsenals of Government-owned factories or other ordinance establishments shall remain available for such purpose until the close of the next ensuing fiscal year. (June 3, 1916, c 134, § 5 [5a], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 765.)

See note td § 1762a, post

§ 335a.

The office of the Auditor for the War Department is abolished by Act June 10, 1921, c 18, § 310, post, § 400½ee.
See, also, post, § 6404a, and note thereunder

§ 335f. Arms, matériel, equipment, etc., for National Museum—That the Secretary of War be, and he hereby is, authorized to furnish to the National Museum, for exhibition, upon request therefor by the administrative head thereof, such articles of arms, matériel, equipment, or clothing as have been issued from time to time to the United States Army, or which have been or may hereafter be produced for the United States Army, and which are objects of general interest or of foreign or curious research, provided that such articles are surplus or can be spared (March 4, 1921, c. 166, § 1, 41 Stat. 1438.)

This section, and the two sections next following, are an act entitled "An act to authorize the Secretary of War to furnish to the National Museum certain articles of the arms, matériel, equipment or clothing heretofore issued or produced for the United States Army, and to dispose of colors, standards, and guidons of demobilized organizations of the United States Army, and for other purposes," cited above.

§ 335g. Disposition of colors, standards and guidons of demobilized organizations of United States Army—That the Secretary of War be, and he hereby is, authorized to dispose of all colors, standards and guidons of demobilized organizations of the United States Army in the following manner: Any which were used during their service by such organizations and which were brought into the service of the United States from the National Guard of any State may be returned to that State upon request therefor from the governor thereof; and all others may be sent, upon request of the governor thereof, to whatever State the Secretary of War may determine to have furnished the majority of men to any such organization at the time of its formation; Provided, however, That where it is impossible to determine what State furnished a majority of the men of an organization at the time of its formation, or where any organization was so cosmopolitan in its original makeup that it is impossible to identify it with any particular State, the colors of such organization will be turned in to the Quartermaster General for such national use as the Secretary of War may direct Provided further, That the title to all such colors, standards, and guidons shall remain in the United States And provided further, That the Secretary of War shall require assurance that proper provision has been or will be made for their care and preservation before returning or sending the same as herein authorized (March 4, 1921, c 166, § 2, 41 Stat. 1438)

See note to § 335f, ante

§ 335h. Prior acts under preceding two sections validated—In all cases in which the Secretary of War has heretofore furnished to the National Museum any property of the kinds described in section 1 hereof, or has disposed of any colors, standards, or guidons of demobilized organizations of the United States Army in the manner provided by section 2 hereof, his acts and doings in the premises are hereby ratified and confirmed (March 4, 1921, c. 166, § 3, 41 Stat. 1439)

See note to § 335f, ante.

Chapter C—The Bureau of Insular Affairs

§ 345a. Bureau of Insular Affairs; Officers of; rank—The officers of the Bureau of Insular Affairs shall be one Chief of the Bureau with the rank of brigadier general, and two officers below the grade of brigadier general· Provided, That during the tenure of office of the present Chief of the Bureau of Insular Affairs he shall have the rank of major general. (June 3, 1916, c. 134, § 14, 39 Stat. 170, amended, June 4, 1920, c. 227, subchapter I, § 14, 41 Stat. 769.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 14, cited above, by striking out the original section, which read as follows "Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department"—and by inserting in lieu thereof the section as set forth above.

TITLE VII—THE DEPARTMENT OF THE TREASURY

Chapter One—The Department

§ 351b. Undersecretary of the Treasury; appointment; compensation; duties—Office of the Secretary. * * Undersecretary of the Treasury, to be nominated by the President and appointed by him, by and with the advice and consent of the Senate, who shall hereafter receive compensation at the rate of $10,000 per annum and hereafter shall perform such duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law, and under the provisions of section 177, Revised Statutes, in case of the death, resignation, absence, or sickness of the Secretary of the Treasury, hereafter shall perform the duties of the Secretary until a successor is appointed or such absence or sickness shall cease * * (Feb. 17, 1922, c. 55, 42 Stat. 366. Jan. 3, 1923, c. 22, 42 Stat. 1087. April 4, 1924, c. 84, title I, 43 Stat. 64)

From the Treasury and Post Office Departments appropriation act for year 1925, cited above, repeated from prior

acts, except as to amount of salary, and without the use of the word "hereafter"

For current appropriation for the Undersecretary of the Treasury, see Act Jan 22, 1925, c 87, title I, 43 Stat. 764

§ 352.

For current appropriations for officers and employés of the Treasury Department, see Act Jan. 22, 1925, c 87, title I, 43 Stat 764, as follows

"Office of the Secretary Salaries Secretary of the Treasury, $12,000; * * three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' * * Provided, That in expending appropriations or portions of appropriations contained in this Act for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law * *

"General Supply Committee Salaries For personal services in the District of Columbia in accordance with the 'Classification Act of 1923' * *

"Office of Commissioner of Accounts and Deposits For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, in accordance with 'The Classification Act of 1923,' * *

"Division of Bookkeeping and Warrants For the chief of the division, and other personal services in the District of Columbia, in accordance with 'The Classification Act of 1923,' * *

"Division of Deposits Salaries For the chief of the division and other personal services in the District of Columbia, in accordance with the Classification Act of 1923, * *

"Public Debt Service * * Commissioner of the Public Debt and other personal services in the District of Columbia in accordance with the Classification Act of 1923, * *

"Division of Appointments Salaries For the chief of the division, and other personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' * *

"Division of Printing Salaries For the chief of the division, and other personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' * *

"Division of Mail and Files. Salaries: For the chief of the division, and other personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' * *

"Office of Disbursing Clerk. Salaries: For the disbursing clerk and other personal services in the District of Columbia, in accordance with 'The Classification Act of 1923,' * *

"Customs Service Division of Customs: For personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' * *

"Secret Service. Secret Service Division Salaries: For the chief of the Division and other personal services in the District of Columbia in accordance with 'The Classification Act of 1923' * * *"

§ 352aa. Government Actuary; salary—The salary of the Government Actuary, so long as the position is held by the present incumbent, shall be at the rate of $7,500 a year. (June 2, 1924, 4.01 p. m., c. 234, § 1102, 43 Stat. 353.)

This section is § 1102 of Title XI of the Revenue Act of 1924, cited above

§ 353. Chief clerk to be chief executive officer of Department—

Office of Chief Clerk. * * For the chief clerk, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Undersecretary, and Assistant Secretaries of the department * *. (Feb. 17, 1922, c. 55, 42 Stat. 367. Jan. 3, 1923, c. 22, 42 Stat. 1088. April 4, 1924, c. 84, title I, 43 Stat. 64. Jan. 22, 1925, c. 87, title I, 43 Stat. 764)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above A similar provision is contained in prior acts

§ 357.

For current appropriation for the office of the Supervising Architect, see Act Jan. 22, 1925, c. 87, title I, 43 Stat 777.

§ 368. Public accounts to be settled in General Accounting Office—All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office (R. S § 236, amended, June 10, 1921, c. 18, § 305, 42 Stat. 24)

This section was amended by Act June 10, 1921, c 18, § 305, cited above, by requiring claims, etc, to be settled and adjusted in the General Accounting Office instead of in the Treasury Department, as required by this section before this amendment

§ 378a. Enforcement of laws relating to Treasury Department; employment of persons paid from certain appropriations for—The Secretary of the Treasury is authorized, to use for, and in connection with, the enforcement of the laws relating to the Treasury Department and the several branches of the public service under its control, not exceeding at any one time four persons paid from the appropriation for the collection of customs, four persons paid from the appropriation for salaries and expenses of internal-revenue agents or from the appropriation for the foregoing purpose, and four persons paid from the appropriation for suppressing counterfeiting and other crimes, but not exceeding six persons so detailed shall be employed at any one time hereunder: Provided, That nothing herein contained shall be construed to deprive the Secretary of the Treasury from making any detail now otherwise authorized by existing law. (March 4, 1921, c. 161, § 1, 41 Stat. 1374.)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts

Chapter Two—The Secretary of the Treasury

§ 383. [Repealed]

This section (Act March 3, 1875, c. 136, § 2, 18 Stat. 469) was repealed by Act Sept 21, 1922, c. 356, title IV, § 643, post, § 5841i-2.

Chapter Two A—The National Budget and Audit System

This chapter, inserted here in addition to the other chapters of this title, consists of Act June 10, 1921, c. 18, 42 Stat 20, entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes, and subsequent amendatory and supplemental acts."

TITLE I.—DEFINITIONS

§ 400½. Short title of act.—This Act may be cited as the "Budget and Accounting Act, 1921." (June 10, 1921, c. 18, § 1, 42 Stat. 20)

§ 400½a. Definitions—When used in this Act—The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the Legislative Branch of the Government or the Supreme Court of the United States;

The term "the Budget" means the Budget required by section 201 to be transmitted to Congress;

The term "Bureau" means the Bureau of the Budget,

The term "Director" means the Director of the Bureau of the Budget; and

The term "Assistant Director" means the Assistant Director of the Bureau of the Budget. (June 10, 1921, c 18, § 2, 42 Stat. 20)

TITLE II.—THE BUDGET

§ 400½aa. President to transmit Budget to Congress; contents thereof—The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail.

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year, except that the estimates for such year for the Legislative Branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15th of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government. (June 10, 1921, c. 18, § 201, 42 Stat 20)

§ 400½aaa. Estimates of appropriations from reclamation fund—The aggregate of all estimates of appropriations from the "reclamation fund" contained in the Budget for any fiscal year shall be included in the totals of the Budget for that year. (Jan. 24, 1923, c. 42, 42 Stat. 1208.)

From the Interior Department appropriation act for the year 1924, cited above.

§ 400½b. Recommendations of President accompanying Budget—(a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require (June 10, 1921, c. 18, § 202, 42 Stat. 21.)

§ 400½bb. Supplemental or deficiency estimates transmitted to Congress—(a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation. (June 10, 1921, c 18, § 203, 42 Stat 21)

§ 400½c. Contents of estimates of appropriations and statements of expenditures and estimated expenditures; statements accompanying lump-sum appropriations—(a) Except as otherwise provided in this Act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year Such statements shall be in lieu of statements of like character now required by law. (June 10, 1921, c. 18, § 204, 42 Stat. 21.)

§ 400½cc. President to transmit alternative budget to Congress—The President, in addition to the Budget, shall transmit to Congress on the first Monday in December, 1921, for the service of the fiscal year ending June 30, 1923, only, an alternative budget, which shall be prepared in such form and amounts and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where the various items embraced in the Budget are contained in such alternative budget. (June 10, 1921, c. 18, § 205, 42 Stat. 21.)

§ 400½d. Estimates or requests for appropriations, etc., not to be submitted to Congress by department officers or employees except by request—No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (June 10, 1921, c 18, § 206, 42 Stat. 21.)

§ 400½dd. Bureau of Budget in Treasury Department; Director; Assistant Director; appointments; salaries; powers and duties of Assistant Director; Budget, etc., to be prepared by Bureau—There is hereby created in the Treasury Department a Bureau to be known as the Bureau of the Budget. There shall be in the Bureau a Director and an Assistant Director, who shall be appointed by the President and receive salaries of $10,000 and $7,500 a year, respectively. The Assistant Director shall per-

form such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director The Bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, the alternative Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (June 10, 1921, c. 18, § 207, 42 Stat. 22.)

For current appropriation for the Bureau of the Budget, see Act Jan 22, 1925, c. 87, title I, 43 Stat. 769

§ 400½e. Attorneys and other employés of Bureau; compensation; expenses of Bureau; transfer of employees to Bureau—(a) The Director, under such rules and regulations as the President may prescribe, shall appoint and fix the compensation of attorneys and other employees and make expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, within the appropriations made therefor

(b) No person appointed by the Director shall be paid a salary at a rate in excess of $6,000 a year, and not more than four persons so appointed shall be paid a salary at a rate in excess of $5,000 a year

(c) All employees in the Bureau whose compensation is at a rate of $5,000 a year or less shall be appointed in accordance with the civil-service laws and regulations.

(d) The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years shall not apply during the fiscal years ending June 30, 1921, and June 30, 1922, to the transfer of employees to the Bureau

(e) The Bureau shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal years ending June 30, 1921, and June 30, 1922, if otherwise entitled thereto. (June 10, 1921. c. 18, § 208, 42 Stat. 22)

§ 400½ee. Detailed study of departments and establishments by Bureau—The Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby. (June 10, 1921, c. 18, § 209, 42 Stat. 22.)

§ 400½f. Codification of certain laws by Bureau—The Bureau shall prepare for the President a codification of all laws or parts of laws relating to the preparation and transmission to Congress of statements of receipts and expenditures of the Government and of estimates of appropriations. The President shall transmit the same to Congress on or before the first Monday in December, 1921, with a recommendation as to the changes which, in his opinion, should be made in such laws or parts of laws (June 10, 1921. c. 18, § 210, 42 Stat 22)

§ 400½ff. Compilation of estimates by Bureau—The powers and duties relating to the compiling of estimates now conferred and imposed upon the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury are transferred to the Bureau. (June 10, 1921, c. 18, § 211, 42 Stat 22)

§ 400½g. Aid and information for certain committees of Congress—The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request. (June 10, 1921, c. 18, § 212, 42 Stat. 23)

§ 400½gg. Information for Bureau by departments and establishments; access to books, papers, etc., thereof—Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the Bureau such information as the Bureau may from time to time require. and (2) the Director and the Assistant Director, or any employee of the Bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment. (June 10, 1921, c. 18, § 213, 42 Stat. 23)

§ 400½h. Budget officers of departments and establishments; designation; duties—(a) The head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such budget officer shall also prepare. under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work (June 10, 1921, c 18, § 214, 42 Stat. 23.)

§ 400½hh. Departmental estimates; revision; time for submission to Bureau; failure to submit—The head of each department and establishment shall revise the departmental estimates and submit them to the Bureau on or before September 15 of each year. In case of his failure so to do. the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (June 10, 1921, c. 18, § 215, 42 Stat. 23.)

§ 400½i. Same; form and manner of submission—The departmental estimates and any supplemental or deficiency estimates submitted to the Bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (June 10, 1921, c. 18, § 216, 42 Stat. 23.)

§ 400½ii. Appropriation for establishment and maintenance of bureau—For expenses of the establishment and maintenance of the Bureau there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $225,000, to continue available during the fiscal year ending June 30, 1922. (June 10, 1921, c. 18, § 217, 42 Stat. 23.)

TITLE III.—GENERAL ACCOUNTING OFFICE

§ 400½. Creation of General Accounting office; control and direction of; offices of Comptroller and Assistant Comptroller of Treasury abolished; officers, employees, books, papers, etc., of Comptroller of Treasury transferred to General Accounting office; seal thereof—There is created an establishment of the Government to be known as the

General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1921. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall become the property of the General Accounting Office The Comptroller General is authorized to adopt a seal for the General Accounting Office (June 10, 1921, c. 18, § 301, 42 Stat. 23)

§ 400½a. Comptroller General and Assistant Comptroller General of United States; appointment; salaries; powers and duties of Assistant Comptroller General—There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of $10,000 and $7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (June 10, 1921, c. 18, § 302, 42 Stat. 23)

For current appropriation for the General Accounting Office in accordance with the Classification Act of 1923, see Act March 3, 1925, c 468, § 1, 43 Stat 1203 Section 2 of said Act March 3, 1925, c. 468, reads as follows: "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 400½aa. Same; terms of office; removal from office; retirement—Except as hereinafter provided in this section, the Comptroller General and the Assistant Comptroller General shall hold office for fifteen years. The Comptroller General shall not be eligible for reappointment. The Comptroller General or the Assistant Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any Comptroller General or Assistant Comptroller General removed in the manner herein provided shall be ineligible for reappointment to that office When a Comptroller General or Assistant Comptroller General attains the age of seventy years, he shall be retired from his office. (June 10, 1921, c. 18, § 303, 42 Stat. 23.)

§ 400½b. Certain powers and duties of Comptroller of Treasury, auditors of Treasury and Division of Bookkeeping and Warrants in Treasury department transferred to General Accounting office; conclusiveness of balances certified by Comptroller General—All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this Act, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (June 10, 1921, c. 18, § 304, 42 Stat. 24)

§ 400½bb. Bureau of Accounts in Post Office Department; administrative examination of accounts and vouchers of Postal Service; Comptroller thereof; appointment; duties; salary; officers and employees of office of auditor for Post Office Department transferred to Bureau of Accounts—The administrative examination of the accounts and vouchers of the Postal Service now imposed by law upon the Auditor for the Post Office Department shall be performed on and after July 1, 1921, by a bureau in the Post Office Department to be known as the Bureau of Accounts, which is hereby established for that purpose The Bureau of Accounts shall be under the direction of a Comptroller, who shall be appointed by the President with the advice and consent of the Senate, and shall receive a salary of $5,000 a year. The Comptroller shall perform the administrative duties now performed by the Auditor for the Post Office Department and such other duties in relation thereto as the Postmaster General may direct The appropriation of $5,000 for the salary of the Auditor for the Post Office Department for the fiscal year 1922 is transferred and made available for the salary of the Comptroller, Bureau of Accounts, Post Office Department. The officers and employees of the Office of the Auditor for the Post Office Department engaged in the administrative examination of accounts shall become officers and employees of the Bureau of Accounts at their grades and salaries on July 1, 1921 The appropriations for salaries and for contingent and miscellaneous expenses and tabulating equipment for such office for the fiscal year 1922, and all books, records, documents, papers, furniture, office equipment, and other property shall be apportioned between, transferred to, and made available for the Bureau of Accounts and the General Accounting Office, respectively, on the basis of duties transferred. (June 10, 1921, c. 18, § 304, 42 Stat. 24.)

Section 305 of this act amends R. S. § 236, ante, § 368. For current appropriation for the Bureau of Accounts, see Act Jan. 22, 1925, c 87, title II, 43 Stat. 782.

§ 400½c. Laws governing General Accounting Office; copies of books, records, etc., thereof as evidence—All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the General Accounting Office Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, when certified by the Comptroller General or the Assistant Comptroller General under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes. (June 10, 1921, c. 18, § 306, 42 Stat. 24)

§ 400½d. Payment of adjusted accounts or claims through disbursing officers of departments and establishments—The Comptroller General may provide for the payment of accounts or claims adjusted

and settled in the General Accounting Office through disbursing officers of the several departments and establishments, instead of by warrant. (June 10, 1921, c. 18, § 307, 42 Stat. 25)

§ 400½dd. Certain duties of Division of Public Moneys in Treasury Department transferred to Division of Bookkeeping and Warrants in Treasury Department—The duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury, so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury (June 10, 1921, c. 18, § 308, 42 Stat. 25)

§ 400½e. Forms, systems and procedure prescribed by Comptroller General—The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States (June 10, 1921, c. 18, § 309, 42 Stat 25)

§ 400½ee. Offices of six auditors abolished; officers, employés, books, papers, etc., transferred to General Accounting Office—The offices of the six auditors shall be abolished, to take effect July 1 1921 All other officers and employees of these offices except as otherwise provided herein shall become officers and employees of the General Accounting Office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304, shall become the property of the General Accounting Office The General Accounting Office shall occupy temporarily the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors (June 10, 1921, c. 18, § 310, 42 Stat 25.)

§ 400½f. Attorneys and employés in General Accounting Office; appointment; removal; compensation; duties; official acts; rules and regulations made by Comptroller General—(a) The Comptroller General shall appoint, remove, and fix the compensation of such attorneys and other employees in the General Accounting Office as may from time to time be provided for by law

(b) All such appointments, except to positions carrying a salary at a rate of more than $5,000 a year, shall be made in accordance with the civil-service laws and regulations.

(c) No person appointed by the Comptroller General shall be paid a salary at a rate of more than $6,000 a year, and not more than four persons shall be paid a salary at a rate of more than $5,000 a year.

(d) All officers and employees of the General Accounting Office, whether transferred thereto or appointed by the Comptroller General, shall perform such duties as may be assigned to them by him.

(e) All official acts performed by such officers or employées specially designated therefor by the Comptroller General shall have the same force and effect as though performed by the Comptroller General in person

(f) The Comptroller General shall make such rules and regulations as may be necessary for carrying on the work of the General Accounting Office, including rules and regulations concerning the admission of attorneys to practice before such office. (June 10, 1921, c. 18, § 311, 42 Stat. 25)

§ 400½ff. Investigations and reports by Comptroller General—(a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the President when requested by him and to Congress at the beginning of each regular session a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time. (June 10, 1921, c. 18, § 312, 42 Stat. 25)

§ 400½g. Information furnished to Comptroller General by departments and establishments—All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes (June 10, 1921, c. 18, § 313, 42 Stat. 26)

§ 400½gg. Eligible register for accountants for General Accounting Office—The Civil Service Commission shall establish an eligible register for accountants for the General Accounting Office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the Comptroller General. (June 10, 1921, c. 18, § 314, 42 Stat. 26.)

§ 400½h. Appropriations transferred to and available for General Accounting Office; changes in number and compensation of employés—(a) All appropriations for the fiscal year ending June 30, 1922, for the offices of the Comptroller of the Treasury and the six auditors, are transferred to and made available for the General Accounting Office, except as otherwise provided herein

(b) During such fiscal year the Comptroller General, within the limit of the total appropriations available for the General Accounting Office, may make such changes in the number and compensation of officers and employees appointed by him or transferred to the General Accounting Office under this Act as may be necessary.

(c) There shall also be transferred to the General Accounting Office such portions of the appropriations for rent and contingent and miscellaneous expenses, including allotments for printing and binding, made for the Treasury Department for the fiscal year ending June 30, 1922, as are equal to the amounts expended from similar appropriations during the fiscal year ending June 30, 1921, by the Treasury Department for the offices of the Comptroller of the Treasury and the six auditors

(d) During the fiscal year ending June 30, 1922, the appropriations and portions of appropriations referred to in this section shall be available for salaries and expenses of the General Accounting Office, including payment for rent in the District of Columbia, traveling expenses, the purchase and exchange of law books, books of reference, and for all necessary miscellaneous and contingent expenses. (June 10, 1921, c. 18, § 315, 42 Stat. 26.)

§ 400½hh. Additional compensation of employees of General Accounting Office and Bureau of Accounts—The General Accounting Office and the Bureau of Accounts shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1922, if otherwise entitled thereto (June 10, 1921, c. 18, § 316, 42 Stat. 27.)

§ 400½i. Transfer of employees—The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years shall not apply during the fiscal year ending June 30, 1922, to the transfer of employees to the General Accounting Office. (June 10, 1921, c. 18, § 317, 42 Stat. 27.)

§ 400½ii. Time of taking effect of Act—This Act shall take effect upon its approval by the President: Provided, That sections 301 to 317, inclusive, relating to the General Accounting Office and the Bureau of Accounts, shall take effect July 1, 1921. (June 10, 1921, c. 18, § 318, 42 Stat. 27.)

§ 400½j. Checks issued by Bureau of Pensions, Bureau of War Risk Insurance, and United States Veterans' Bureau, and for payment of salaries and wages; destruction; claims on barred—The General Accounting Office is hereby authorized to destroy United States Government checks, that have been paid six full fiscal years, issued by the Bureau of Pensions for the payment of pensions, by the Bureau of War Risk Insurance and the United States Veterans' Bureau for the payment of military and naval compensation on account of death or disability, and checks for the payment of salaries and wages of officers and employees of the Government of the United States, after all unpaid checks have been listed as outstanding as now required by law, and all claims on account of checks of the foregoing classes appearing as having been paid shall be barred if not presented to the General Accounting Office within six full fiscal years after the date of payment. (Feb. 13, 1923, c. 72, 42 Stat. 1231.)

From the executive office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above.

Chapter Three—The Comptroller

§ 402.

The offices of the Comptroller of the Treasury and the Assistant Comptroller of the Treasury are abolished by Act June 10, 1921, c. 18, § 301, ante, § 400½, and the powers and duties of said offices transferred to the General Accounting Office by Act June 10, 1921, c. 18, § 304, ante, § 400½b.

§ 414a. Chief clerk; countersigning warrants—The Chief Clerk in the office of Comptroller of the Treasury hereafter shall have the power, in the name of the Comptroller, to countersign all classes of warrants (July 3, 1918, c. 130, § 1, 40 Stat. 773.)

From the legislative, executive, and judicial appropriation act for the year 1919, cited above

§ 414aa. Designation of person to sign warrants—The Comptroller of the Treasury is authorized to designate such person or persons in his office as may be required from time to time to countersign in his name such classes of warrants as he may direct. (May 29, 1920, c. 214, § 1, 41 Stat 647.)

From the legislative, executive, and judicial appropriation act for the year 1921, cited above

Chapter Four—The Auditors

§§ 416, 417.

The offices of the six Auditors are abolished by Act June 10, 1921, c. 18, § 310, ante, § 400½ee.

§ 457.

The State, Justice, Judiciary, and Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c 364, title I, 43 Stat. 1018, contains the following: "To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $400,000."

Chapter Five—The Treasurer

§ 472.

For current appropriation for the office of the Treasurer of the United States, see Act Jan. 22, 1925, c. 87, title I, 43 Stat. 770.

§ 477.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c 87, title I, 43 Stat 770, contains the following.

"For personal services in the District of Columbia, in accordance with 'The Classification Act of 1923,' in redeeming Federal reserve and national currency, $405,000 to be reimbursed by the Federal reserve and national banks."

Chapter Six—The Register

§ 485.

The Register of the Treasury, etc., are no longer appropriated for by name in the Treasury and Post Office Departments appropriation acts; but such officers are appropriated for under the heading "Public Debt Service." See Act Jan 22, 1925, c. 87, title I, 43 Stat 767.

§ 487.

See ante, note to § 485.

Chapter Eight—The Commissioner of Internal Revenue

§ 490.

Salary of Commissioner of Internal Revenue increased to $10,000 per annum. See post, § 490a.

§ 490a. Commissioner; salary—Hereafter the salary of the Commissioner shall be $10,000 a year. (Feb. 24, 1919, c. 18, § 1300, 40 Stat. 1140.)

This section is § 1300 of the Revenue Act of 1918 (Title XIII—General Administrative Provisions), cited above.

The term "Commissioner" means the Commissioner of Internal Revenue See § 6871¼a, post.

For current appropriation for the Internal Revenue Service, see Act Jan. 22, 1925, c 87, title I, 43 Stat. 770.

§ 493a. Deputy Commissioners and assistant to Commissioner; salaries—Hereafter there may be employed in the Bureau of Internal Revenue, in lieu of the deputy commissioners whose salaries are now fixed by law, five deputy commissioners and an assistant to the Commissioner, who shall each receive

a salary of $5,000 a year, payable monthly The assistant to the Commissioner may be authorized by the Commissioner to perform any duties which the deputy commissioners may perform under existing law. (Feb. 24, 1919, c. 18, § 1301(a), 40 Stat. 1140)

This section is paragraph (a) of § 1301 of the Revenue Act of 1918 (Title XIII—General Administrative Provisions), cited above.

§ 494b. Care, etc., of buildings rented for Bureau of Internal Revenue—The superintendent State, War, and Navy Department Buildings shall be responsible for the care, maintenance, and protection of such buildings as may be so rented (April 2, 1924, c 81, § 1, 43 Stat 50 Dec. 5, 1924, c. 4, § 1, 43 Stat 693)

From the "Second Deficiency Act, fiscal year 1924," cited above, accompanying an appropriation for rental of quarters for the Bureau of Internal Revenue

Office of Superintendent of State, War, and Navy Department Buildings consolidated with Office of Public Buildings and Grounds into Office of Public Buildings and Public Parks of National Capital. See post, §§ 3329f-3329k

Chapter Nine—The Comptroller of the Currency

§ 495. Bureau of Comptroller of Currency; Federal Reserve Branch Bank buildings—There shall be in the Department of the Treasury a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of national currency secured by United States bonds and, under the general supervision of the Federal Reserve Board, of all Federal Reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency and shall perform his duties under the general directions of the Secretary of the Treasury.

No Federal reserve bank shall have authority hereafter to enter into any contract or contracts for the erection of any branch bank building of any kind or character, or to authorize the erection of any such building, if the cost of the building proper, exclusive of the cost of the vaults, permanent equipment, furnishings, and fixtures, is in excess of $250,000. Provided, That nothing herein shall apply to any building under construction prior to June 3, 1922. (R. S. § 324, amended, Dec 23, 1913, c 6, § 10, 38 Stat. 261, June 3, 1922, c 205, 42 Stat 621, and Feb. 6, 1923, c. 60, 42 Stat 1223)

This section was again amended by Act June 3, 1922, c 205, 42 Stat 621, cited above, by adding thereto a second paragraph, reading as follows "No Federal Reserve Bank shall have authority hereafter to enter into any contract or contracts for the erection of any building of any kind or character, or to authorize the erection of any building, in excess of $250,000, without the consent of Congress having previously been given therefor in express terms Provided, That nothing herein shall apply to any building now under construction" The section was again amended by Act Feb 6, 1923, c. 60, 42 Stat 1223, cited above, by changing the added second paragraph to read as set forth above.

§ 496.

For current appropriation for the office of the Comptroller of the Currency, see Act Jan 22, 1925, c. 87, title I, 43 Stat 770.

§ 499.

The appointment of a Third Deputy Comptroller of the Currency is authorized by Act March 4, 1923, c. 252, title II, § 209, par (b), 42 Stat. 1467, This deputy is to have charge of the administration of the laws relating to National Agricultural Credit Corporations. The employment of such additional examiners, clerks, and other employés as may be necessary to carry out the provisions of the law relating to National Agricultural Credit Corporations is also authorized by said paragraph. See post, § 9835½h, par. (b).

§ 499a. Chief of examining division—The Comptroller of the Currency may designate a national bank examiner to act as chief of the examining division in his office. (Feb. 17, 1922, c. 55, 42 Stat. 375. Jan. 3, 1923, c. 22, 42 Stat. 1096.)

From the Treasury Department act for the year 1924, cited above The same provision is contained in prior acts It is not, however, found in the subsequent Treasury and Post Office Department appropriation acts

Chapter Eleven—The Bureau of the Mint

§ 508.

For current appropriation for the office of the Director of the Mint, see Act Jan 22, 1925, c 87, title I, 43 Stat. 776

Chapter Eleven A—The Bureau of Engraving and Printing

§ 510.

For current appropriation for the Bureau of Engraving and Printing, see Act Jan 22, 1925, c 87, title I, 43 Stat 771

§ 513b. Limitation on expenditure of funds—Bureau of Engraving and Printing: * * * No other fund appropriated by this or any other Act shall be used for services in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this Act. and then only on the written approval of the Secretary of the Treasury, and in every such case of emergency a detailed statement of the expenditures on account thereof shall be reported to Congress at the beginning of each regular session. (March 3, 1921, c 124, § 1, 41 Stat. 1271.)

From the legislative, executive, and judicial appropriation act for the year 1922, cited above. A similar provision is contained in prior acts.

§ 514.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c. 87, title I, 43 Stat 773, contains the following provision

"During the fiscal year 1926 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (Twenty-fourth Statutes, page 227), shall be credited when received to the appropriation for said bureau for the fiscal year 1926"

Chapter Eleven B—The Bureau of War Risk Insurance

This chapter contained the War Risk Insurance Act of Sept 2, 1914, c 293, 38 Stat 711, which originally consisted of 11 sections. This act was amended by Act Aug 11, 1916, c. 332, 39 Stat 514, Act March 3, 1917, c 169, 39 Stat 1131, Act June 12, 1917, c. 26, 40 Stat 102, which amended §§ 1, 2, 3, 5, 7, 8, 9, and added §§ 2a, 3a, 3b, 5a, Act Oct 6, 1917, c 105, 40 Stat 398, which amended § 1, and added §§ 12-26, 200-210, 300-314, 400-405, inclusive, May 20, 1918, c 77, 40 Stat. 555, amending § 13, and amending § 405 by striking it out, June 25, 1918, c 104, 40 Stat 609, amending §§ 22, 200, 201, 203, 204, 206, 210, 300, 301, 302, 312, 313, 401, 402, adding §§ 27, 28, 29, 30, and repealing § 311, Act July 11, 1918, c. 145, 40 Stat. 897, amending §§ 5, 9, and adding § 2b, Act Feb 25, 1919, c. 36, 40 Stat 1160, amending § 210, Act Aug 6, 1919, c. 33, 41 Stat 274, amending § 302; Act Dec 24, 1919, c. 16, 41 Stat 371, amending §§ 22, 23, 204, 300, 301, 302, 401, and adding §§ 31, 211, Act Aug 9, 1921, c. 57, 42 Stat 152, amending §§ 29, 30, 210, 300, 305, 306, 313, 315, 402, 404, and adding §§ 315, 406, 407, 408, 409, 410, 411, Act Dec 18, 1922, c. 10, 42 Stat 1064, amending § 302, Act March 2, 1923, c 173, 42 Stat 1374, amending § 23, and Act March 4, 1923, c 291, 42 Stat. 1521, amending §§ 29, 300, 301, 302, 306, 308, 408, 409, 411, and adding § 412 Of the above enumerated acts Act Sept 2, 1914, c. 293, Act Aug. 11, 1916, c. 332, 39 Stat 514, Act March 3, 1917, c. 169, Act June 12, 1917, c. 26, Act Oct 6, 1917, c. 105 (except the added §§ 313, 314), and Act July 11, 1918, c 145, are expressly repealed by Act June 7, 1924, c. 320, § 600 (subject to certain saving provisions noted below), and Act May 20, 1918, c 77, Act June 25, 1918, c 104, Act Feb. 25, 1919, c. 36, Act Aug. 6, 1919, c. 33, Act Dec. 24, 1919, c. 16, Act Aug 9, 1921, c. 57, §§ 15-30, Act Dec. 18, 1922, c. 10, Act March 2, 1923, c. 173, and Act March 4, 1923, c. 291, are repealed by Act June 7, 1924, c 320, § 601 (subject to certain saving provisions noted below), which repeals the "War Risk Insurance Act as amended"

In addition to the above enumerated acts, this chapter

contained the following acts: Res. Feb 12, 1918, c. 17, 40 Stat 428, extending the time for making applications for insurance to April 12, 1918, Res April 2, 1918, c 41, 40 Stat 502, authorizing the granting of insurance on application by persons other than the persons to be insured, a provision of section 1 of Act Nov 4, 1918, c. 201, 40 Stat 1024, relating to the pay status of missing enlisted men for the purpose of the payment of allotments and family allowances, Act Feb 28, 1919, c 82, 40 Stat 1212, authorizing the resumption of payments to beneficiaries in certain cases, Act July 26, 1921, c 53, 42 Stat 146, directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance for certain payments of insurance installments; and Act Sept 22, 1922, c 426, 42 Stat 1038, construing § 312 of the War Risk Insurance Act These acts, while not expressly repealed by either § 600 or § 601 of Act June 7, 1924, c 320, are probably rendered ineffective and inoperative by said repeals, the effect of said repeals being to repeal and make inoperative and ineffective all of the acts and parts of acts relating to war risk insurance, save only §§ 313, 314, of the War Risk Insurance Act, as added by Act Oct 6, 1917, c 105.

Said repealing §§ 600, 601, read as follows

"600 The following Acts are hereby repealed, subject to the limitations provided in section 602 of this title.

"(1) An Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914

"(2) An Act entitled 'An Act to amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914,' approved August 11, 1916

"(3) An Act entitled 'An Act to amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914,' approved March 3, 1917

"(4) An Act entitled 'An Act to amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes,' approved June 12, 1917.

"(5) An Act entitled 'An Act to amend an Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes,' approved October 6, 1917, saving and excepting from repeal sections 313 and 314 of Article III of said Act

"(6) An Act entitled 'An Act to amend the War Risk Insurance Act' approved July 11, 1918

"601 That the following Acts are hereby repealed The sections of this codification herein applicable thereto shall be in force in lieu thereof, subject to the limitations contained in this title

"(1) The War Risk Insurance Act as amended.

"(2) The Vocational Rehabilitation Act as amended.

"(3) The Act entitled 'An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act.' "

Sections 602, 603, 604, of said Act June 7, 1924, c. 320, contain certain limitations on and saving clauses as to the above noted repeal, reading as follows'—

"602 The repeal of the several Acts as provided in sections 600 and 601 hereof shall not affect any act done or any right or liability accrued, or any suit commenced before the said repeal, but all such rights and liabilities under said Acts shall continue and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

"603 All offenses committed and all penalties or forfeiture incurred under any law embraced in this codification prior to said repeal may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made

"604 All Acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses embraced in this codification and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made"

Said repeal, as above noted, is a part of the consolidation, codification, revision, and reenactment of the laws relating to the United States Veterans' Bureau, the War Risk Insurance, and Vocational Rehabilitation, by Act June 7, 1924, c. 320, which is set forth post, as §§ 9127½—1 to 9127½—605.

Act Sept 2, 1914, c. 293, § 304, as added by Act Oct 6, 1917, c. 105, § 2, was also repealed by Act June 27, 1918, c 107, § 10. Act Sept 2, 1914, c 293, § 311, as added by Act Oct. 6, 1917, c. 105, § 2, was also repealed by Act June 25, 1918, c. 104, § 16.

The "Veterans' Bureau," later called the "United States Veterans' Bureau," was created by Act Aug. 9, 1921, c. 57. This Bureau was an independent bureau, under the President. The office of the Director of the Bureau of War Risk Insurance was abolished by said act, and his powers and duties were transferred to the Director of the United States Veterans' Bureau created by said act The powers and duties of the Bureau of War Risk Insurance were also transferred to the United States Veterans' Bureau by said act, thus removing the Bureau from the control and supervision of the Secretary of the Treasury The powers and duties of the Federal Board for Vocational Education created by Act June 27, 1918, c 107, were also transferred to the United States Veterans' Bureau by said Act Aug 9, 1921, c 57 Said Act Aug 9, 1921, c 57, is also repealed by Act June 7, 1924, c 320, § 601 (post, § 9127½—601). See, also, notes under Title XII BB, post

The act for the vocational rehabilitation of soldiers and sailors, Act June 27, 1918, c 107, as amended, is also repealed by Act June 7, 1924, c 320, § 601 (post, § 9127½—601) See, also, notes under Title XVI B, post.

§§ 514a–514oo. [Repealed.]

See notes at the beginning of this chapter.

§ 514oo(1). [Inoperative.]

See notes at the beginning of this chapter.

§§ 514ooo–514q. [Repealed]

See notes at the beginning of this chapter

§ 514qq.

This section (Act Sept 2, 1914, c. 293, § 210, as added by Act Oct 6, 1917, c 105, § 2, and amended by Act June 25, 1918, c 104, § 8, Act Feb 25, 1919, c 36, and Act Aug 9, 1921, c 57, § 17) was repealed by Act June 7, 1924, c 320, §§ 600, 601 (see notes at the beginning of this chapter). Act Feb. 24, 1925, c 299, post, § 514qq(1), refers to this section, and it is therefore set forth here. Said section 210, as amended, read as follows

"Upon receipt of any application for family allowance the director shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper Whenever the director shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the family conditions existing on the first day of the month Provided, That whenever an award of allotment or allowance, or both, covering any period has been paid to, or on behalf of, a person designated by the enlisted man as beneficiary of his allotment, no recovery of the allotments paid in such cases shall hereafter be made for any reason whatsoever, and no recovery of the allowances paid in such cases shall hereafter be made for any reason whatsoever except where it is shown that the person receiving the allowance does not bear the relationship to the enlisted man which is required by the War Risk Insurance Act, and except, also, in cases of manifest fraud."

§ 514qq(1). Recovery of awards of allotments in certain cases—So much of section 210 of the War Risk Insurance Act, as amended by the Act of August 9, 1921 (Forty-second Statutes, page 153), as precludes the recovery of an award of allotment, or allowance, or both, paid to, or on behalf of a person designated as beneficiary of an allotment under the War Risk Insurance Act prior to August 9, 1921, shall hereafter be applicable to allotments paid prior to August 9, 1921, to beneficiaries designated under the Army allotment system by any person who served in the Army. (Feb. 24, 1925, c. 299, 43 Stat. 964.)

This section is an act entitled "An act regulating the recovery of allotments and allowances heretofore paid designated beneficiaries," cited above. For § 210 of the War Risk Insurance Act see ante, note to § 514qq.

§ 514qq½. [Repealed.]

See notes at the beginning of this chapter.

§ 514qq¼. [Inoperative.]

See notes at the beginning of this chapter.

§§ 514qq½–514ttt. [Repealed.]

See notes at the beginning of this chapter.

§ 514ttt(1). [Inoperative.]

See notes at the beginning of this chapter.

§ 514tttt. Assignment of right of action for injury causing death or disability—(1) If an injury or death for which compensation is payable under this article is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation

by the United States, may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person, or if it appears to be for the best interests of the beneficiary the director may require him to prosecute the said action in his own name, subject to regulations. The director may require such assignment or prosecution at any time after the injury or death, and the failure on the part of the beneficiary to so assign or to prosecute said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death The cause of action so assigned to the United States may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be placed to the credit of the military and naval compensation appropriation If the amount placed to the credit of such appropriation in such case is in excess of the amount of the award of compensation, if any, such excess shall be paid to the beneficiary after any compensation award for the same injury or death is made

If a beneficiary or conditional beneficiary shall have recovered, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such money or other property so recovered shall be credited upon any compensation payable, or which may become payable, to such beneficiary, or conditional beneficiary by the United States on account of the same injury or death.

(2) If an injury or death for which compensation may be payable under this article is caused under circumstances creating a legal liability upon some person, other than the United States or the enemy, to pay damages therefor, then, in order to preserve the right of action, the director may require the conditional beneficiary at any time after the injury or death, to assign such right of action to the United States, or, if it appears to be for the best interests of such conditional beneficiary, to prosecute the said cause of action in his own name, subject to regulations. The failure on the part of the beneficiary to so assign or to prosecute the said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be paid to such beneficiary, and be credited upon any future compensation which may become payable to such beneficiary by the United States on account of the same injury or death.

(2a) The Veterans' Bureau is hereby authorized to pay the beneficiary or other person or persons in whose name an action may have been commenced or prosecuted, and to all witnesses in such action, fees and mileage, the same as is now paid and allowed to witnesses in the United States courts in going to, remaining at, and returning from place of trial, and without any regard to whether the action, if any, is brought or prosecuted in a court of the United States or some other court.

In all cases of assignment of causes of action under this section, whether the assignment be heretofore or hereafter made, where it shall appear to the director to be to the best interests of the beneficiary so to do, the director, acting for and in the name of the United States, may assign the cause of action back to the beneficiary or to his personal representatives.

(3) The bureau shall make all necessary regulations for carrying out the purposes of this section. For the purposes of computation only under this section the total amount of compensation due any beneficiary shall be deemed to be equivalent to a lump sum equal to the present value of all future payments of compensation computed as of the date of the award of compensation at four per centum, true discount, compounded annually The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality.

A conditional beneficiary is any person who may become entitled to compensation under this article on or after the death of the injured person.

Nothing in this section shall be construed to impose any administrative duties upon the War or Navy Departments. (Sept. 2, 1914, c. 293, § 313, added, Oct. 6, 1917, c. 105, § 2, 40 Stat 408, and amended, June 25, 1918, c. 104, § 18, 40 Stat. 613, and Aug 9, 1921, c. 57, § 21, 42 Stat. 154)

This section, as added to the War Risk Insurance Act, and as amended, is saved from the repeal of the War Risk Insurance Act by Act June 7, 1924, c 320, §§ 600, 601, by said § 600 of said Act June 7, 1924, c 320. See notes at the beginning of this chapter

§§ 514ttttt—514uu. [Repealed]

See notes at the beginning of this chapter.

§ 514uu½. [Inoperative.]

See notes at the beginning of this chapter.

§ 514uuu. [Repealed]

See notes at the beginning of this chapter.

§ 514uuu½. [Inoperative.]

See notes at the beginning of this chapter.

§§ 514uuu¾—514vv(13). [Repealed]

See notes at the beginning of this chapter.

§ 514w. [Inoperative]

See notes at the beginning of this chapter See, also, post, § 9127½—18

TITLE VIII—THE DEPARTMENT OF JUSTICE

§ 516.

For current appropriation for the Office of the Attorney General—Attorney General, Solicitor General, Assistant to the Attorney General, etc, in accordance with the Classification Act of 1923, including the Solicitors of the State, Treasury, Interior, Commerce, and Labor Departments, the Solicitor of Internal Revenue, and the office forces of the Solicitors of the Treasury, Commerce, and Labor Departments, see Act Feb. 27, 1925, c. 364, title II, 43 Stat 1025. Said act further provides as follows· "Enforcement of Acts to regulate commerce For salary and expenses of assistant to the Solicitor General in representing the Government in all matters arising under the Act entitled 'An Act to regulate commerce,' approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including not to exceed $9,540 for salaries of employees in the District of Columbia, $10,500."

§ 519. [Repealed.]

This section (Act June 10, 1890, c. 407, § 30, as amended) was repealed by Act Sept. 21, 1922, c. 356, title IV, § 643, post, § 5841i—2.

The State, Justice, Judiciary, and Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c 364, title II, 43 Stat 1026, provides as follows "Conduct of customs cases: Assistant Attorney General, $8,000, special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by subsection 30 of section 28 of the Act of August 5, 1909, necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General."

§ 520.

See note to § 516, ante.

§ 521.

See note to § 516, ante.

§ 523.

See note to § 516, ante.

§ 523a.
See note to § 516, ante.

§ 524.
See note to § 516, ante.

§ 525.
See note to § 516, ante.

§ 525a.
This section was repeated in the State, Justice, and Judiciary appropriation acts for the years 1923 and 1924, Act June 1, 1922, c 204, title II, 42 Stat 611, and Act Jan 3, 1923, c 21, title II, 42 Stat. 1078, but not in the subsequent appropriation acts

§ 541.
The State, Justice, Judiciary, and Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title II, 43 Stat. 1029, contains the following provisions: "For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, including not to exceed $60,180 for clerical help for such assistants in the District of Columbia, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States), $650,000, of which not to exceed $300,000 shall be available for legal services in the District of Columbia Provided, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed $10,000 Provided further, That not more than $150,000 of the $650,000 herein appropriated shall be available for special counsel to enforce the National Prohibition Act"

§ 543a. Examination of papers of marshals, attorneys, clerks, referees, and trustees—Detection and prosecution of crimes: * * For the investigation of the official acts, records, and accounts of marshals, attorneys, and clerks of the United States courts and the territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts. * * (March 1, 1921, c. 89, § 1, 41 Stat. 1175. March 4, 1921, c. 161, § 1, 41 Stat 1410 June 1, 1922, c 204, title II, 42 Stat. 613. Jan. 3, 1923, c. 21, title II, 42 Stat. 1080. May 28, 1924, c. 204, title II, 43 Stat. 217. Feb. 27, 1925, c. 364, title II, 43 Stat. 1027.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. Prior appropriation acts have contained somewhat similar provisions

§ 543b. Officers for detection and prosecution of crimes—Detection and prosecution of crimes: * * For the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (June 1, 1922, c. 204, title II, 42 Stat. 613. Jan 3, 1923, c. 21, title II, 42 Stat. 1080. May 28, 1924, c 204, title II, 43 Stat. 217. Feb. 27, 1925, c. 364, title II, 43 Stat. 1027.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, title II, cited above. Similar provisions are contained in prior acts.

§ 545. Traveling expenses and subsistence of officers—Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, district, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed $6 per day while absent from the seat of government, the account thereof to be verified by affidavit. (R. S. § 370, amended, March 4, 1923, c. 273, 42 Stat. 1503.)

§ 566a. Care, maintenance, etc., of Department of Justice building transferred to superintendent of State, War, and Navy buildings—Department of Justice Building The responsibility for the care maintenance, and protection of the building or buildings occupied by the Department of Justice in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith shall be transferred on July 1, 1923, from the United States Attorney General to the Superintendent of the State, War, and Navy Department Buildings. (Feb. 13, 1923, c. 72, 42 Stat. 1239)

From the Executive Office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above
See post, §§ 3329f-3329k, for change in office of superintendent of State, War, and Navy Department buildings

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TITLE IX—THE POST-OFFICE DEPARTMENT

§ 568.
See note to § 572, post.

§ 572.
For current appropriations for the officers and employés of the Post Office Department, see Act Jan. 22, 1925, c 87, title II, 43 Stat 782

§ 582a. Rewards for detection of post-office burglars—Office of Postmaster General: * * For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers * *: Provided, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest. * * (June 19, 1922, c. 227, § 1, 42 Stat 655 Feb. 14, 1923, c. 79, § 1, 42 Stat. 1251. April 4, 1924, c. 84, title II, 43 Stat. 85 Dec. 5, 1924, c 4, § 1, 43 Stat 690 Jan. 22, 1925, c. 87, title II, 43 Stat. 784. March 4, 1925, c. 556, § 1, 43 Stat. 1337)

From the Treasury Post Office Departments appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 582b. Adjustment and settlement of certain claims for damages to person or property by Postmaster General—When any damage is done to person or property by or through the operation of the Post Office Department in any branch of its service and such damage is found by the Postmaster General upon investigation to be a proper charge against the United States, the Postmaster General is hereby invested with power to adjust and settle any claim for such damage when his award for such damage in any case does not exceed $500. * * (June 16, 1921, c. 23, § 4, 42 Stat. 63.)

From the "Second Deficiency act, fiscal year 1921," cited above

§ 601.
See post, § 601a.

§ 601a. R. S. § 409, applicable to balances due United States for public moneys under laws relating to Postal Service—The provisions of section 409, Revised Statutes of the United States, shall extend in all cases now pending or which may hereafter arise to balances due to the United States through accountability for public moneys under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, excepting the class of cases cognizable under the Act approved January twenty-first, nineteen hundred and fourteen, entitled "An Act to amend the Act approved May ninth, eighteen hundred and eighty-eight, as amended by the Act of June eleventh, eighteen hundred and ninety-six," relating to claims of postmas-

ters for loss by burglary, fire, or other unavoidable casualty. (March 4, 1925, c. 531, 43 Stat. 1266)

This section is an act entitled "An act to amend section 409, Revised Statutes of the United States, relating to fines, penalties, forfeitures, and liabilities in the Postal Service," cited above.

§ 606a. Reports of Postmaster General; cost of mail matter franked by departments and independent establishments—Hereafter the Postmaster General shall in his annual report submit a detailed statement of the cost to the postal establishment of the matter mailed under frank by each department and independent establishment of the Government and the revenue which would be derived therefrom if carried at the ordinary rates of postage. (June 5, 1920, c. 253, § 1, 41 Stat 1037)

This section is a provision of the third deficiency appropriation act for the fiscal year 1921, cited above.

§ 609a. Special joint Congressional committee to investigate postal rates—A special joint subcommittee is hereby created to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per one hundred words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. This section shall become effective upon the enactment of this Act (Feb. 28, 1925, c. 368, title II, § 217, 43 Stat 1070)

This section is § 217 of an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," cited above.

§ 609b. Restriction on expenditure of appropriations for field service of Post Office Department—Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia (June 19, 1922, c. 227, § 1, 42 Stat 654. Feb 14, 1923, c. 79, § 1, 42 Stat. 1250. April 4, 1924, c. 84, title II, 43 Stat. 85. Jan. 22, 1925, c. 87, title II, 43 Stat. 783.)

From the Treasury Post Office Departments appropriation act for the year 1926, cited above. A similar provision is contained in prior acts.

§ 609c. Lease of quarters for Government-owned automobiles—The Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned automobiles at a reasonable annual rental for a term not exceeding ten years. (June 19, 1922, c. 227, § 1, 42 Stat. 659. Feb. 14, 1923, c 79, § 1, 42 Stat. 1255. April 2, 1924, c. 81, § 1, 43 Stat. 47. April 4, 1924, c. 84, title II, 43 Stat. 86. Jan. 22, 1925, c. 87, title II, 43 Stat. 785.)

From the Treasury Post Office Departments appropriation act for the year 1926, cited above, accompanying an appropriation for vehicle allowance in the Post Office Department The same provision is contained in prior acts.

§ 609d. Rewards to employés for inventions, suggestions, etc.—The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the postal service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $3,000 is hereby appropriated: Provided, That the sums so paid to employees in accordance with this Act shall be in addition to their usual compensation: Provided further, That the total amount paid under the provisions of this Act shall not exceed $1,000 in any month or for any one invention or suggestion: Provided further, That no employee shall be paid a reward under this Act until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns: Provided further, That this appropriation shall be available for no other purpose (June 19, 1922, c. 227, § 1, 42 Stat 655. Feb. 14, 1923, c. 79, § 1, 42 Stat. 1250. April 2, 1924, c. 81, § 1, 43 Stat. 46 April 4, 1924, c. 84, title II, 43 Stat. 85. Jan. 22, 1925, c. 87, title II, 43 Stat. 783.)

From the Treasury Post Office Departments appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 609e. Postal Laws and Regulations—For printing, binding, and wrapping a revised edition of the Postal Laws and Regulations, such edition to be prepared under the direction of the Postmaster General and printed at the Government Printing Office, $45,000. (June 19, 1922, c. 227, § 1, 42 Stat. 655)

From the Post Office Department appropriation act for the year 1923, cited above.

TITLE X—THE DEPARTMENT OF THE NAVY

Chapter A—The Department and the Secretary of the Navy

§ 614.

For current appropriation for the office of the Secretary of the Navy in accordance with the Classification Act of 1923, see Act Feb. 11, 1925, c. 209, 43 Stat 861. This appropriation is accompanied by the following provisos: "Provided, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade. Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 621d. Chief of Naval Operations; allowances—Hereafter the Chief of Naval Operations shall receive the allowances which are now or may hereafter be prescribed by or in pursuance of law for the grade of general in the Army. (July 1, 1918, c 114, 40 Stat. 716)

This section is a provision of the naval service appropriation act for the fiscal year 1919, cited above.

§ 622.

The clerical force and office expenses of the Division of Naval Militia Affairs are transferred to the Bureau of Navigation, by a provision of Act July 1, 1918, c 114, post, § 3078e

§ 622a. Name of Bureau of Steam Engineering changed—The Bureau of Steam Engineering hereafter shall be designated the "Bureau of Engineering" (June 4, 1920, c 228, § 1, 41 Stat 828)

This section is a provision of the naval service appropriation act for the fiscal year 1921, cited above

§ 623.

Act Feb 11, 1925, c. 206, 43 Stat 860, authorizes and directs the General Accounting Office to pay to all supply officers, or former supply officers, of the regular Navy or United States Naval Reserve Force, the pay and allowances of their respective rank for active duty performed by such officers during the period from April 6, 1917, to March 3, 1921, inclusive, prior to the approval of their bonds by the Secretary of the Navy

§ 642b. Bureau of Ordnance; quarterly reports on gasoline passenger and freight automobiles—Bureau of Ordnance: * * Quarterly reports on all gasoline passenger and freight automobiles shall be made on Form numbered 124, and one copy of each report shall be filed in the Bureau of Yards and Docks. (June 4, 1920, c. 228, § 1, 41 Stat. 819.)

This section is a provision of the naval service appropriation act for the fiscal year 1921, cited above

§ 642c. Bureau of Aeronautics; duties—There is hereby created and established in the Department of the Navy a Bureau of Aeronautics, which shall be charged with matters pertaining to naval aeronautics as may be prescribed by the Secretary of the Navy, and all of the duties of said bureau shall be performed under the authority of the Secretary of the Navy, and its orders shall be considered as emanating from him, and shall have full force and effect as such. (July 12, 1921, c. 44, § 8, 42 Stat. 140.)

From the Naval service appropriation act for the year 1922, cited above

§ 642d. Same; Chief of Bureau; term; rank, pay and allowances—There shall be a Chief of the Bureau of Aeronautics, appointed by the President, by and with the advice and consent of the Senate, from among the officers of the active list of the Navy or Marine Corps who shall within one year after his appointment qualify as an aircraft pilot or observer, for a period of four years, and who shall, while holding such position, have the corresponding rank and receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the Department of the Navy. (July 12, 1921, c. 44, § 8, 42 Stat. 140.)

From the Naval service appropriation act for the year 1922, cited above.

§ 642e. Same; Assistant Chief of Bureau; detail; pay; performance of duties of chief—An officer of the active list of the Navy, or Marine Corps, may be detailed as Assistant Chief of the Bureau of Aeronautics, and such officer shall receive the highest pay of his grade, and, in case of the death, resignation, absence, or sickness of the chief of the bureau shall, until otherwise directed by the President, as provided by section 179 of the Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (July 12, 1921, c. 44, § 8, 42 Stat. 140.)

From the Naval service appropriation act for the year 1922, cited above.

§ 642f. Same; chief clerk; salary—There shall be a chief clerk at a salary of $2,250 per annum. (July 12, 1921, c 44, § 8, 42 Stat 140)

From the Naval service appropriation act for 1922.

§ 642g. Same; personnel; equipment; unexpended appropriations—The Secretary of the Navy is authorized to transfer to the Bureau of Aeronautics such number of the civilian, technical, clerical, and messenger personnel, together with such records, equipment, and facilities now assigned for aeronautic work under the various bureaus of the Department of the Navy or Marine Corps as in his judgment may be necessary. The unexpended and unobligated portion of all moneys heretofore appropriated for any bureau of the Department of the Navy or Marine Corps used in connection with aeronautics, including the appropriation "Aviation, Navy," is hereby made available for the use of the Bureau of Aeronautics. (July 12, 1921, c. 44, § 8, 42 Stat 140.)

From the Naval service appropriation act for 1922

§ 652. Adjustment and report of claims for damages by collision—The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of $3,000, occasioned by collisions or damage incident to the operation of vessels for which collisions or other damage vessels of the Navy or vessels in the Naval Service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (June 24, 1910, c. 378, 36 Stat 607, amended, Dec. 28, 1922, c. 16, 42 Stat 1066)

For this section prior to its amendment by Act Dec 28, 1922, c. 16, see U S Comp St. 1918, § 652

§ 652aa. Adjustment of claims for loss of private property in Europe—Hereafter the Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due on all claims for damages to and loss of private property of inhabitants of any European country not an enemy or ally of an enemy when the amount of the claim does not exceed the sum of $1,000, occasioned and caused by men in the naval service during the period of the present war, all payments in settlement of such claims to be made out of "Pay, Miscellaneous." (July 1, 1918, c. 114, 40 Stat. 705.)

From the naval service appropriation act for 1919.

§ 652aaa. Adjustment of claims for damages to or loss of private property subsequent to April 6, 1917—The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due in all claims for damages (other than such as are occasioned by vessels of the Navy), to and loss of privately owned property, occurring subsequent to April 6, 1917, where the amount of the claim does not exceed $500, for which damage or loss men in the naval service or Marine Corps are found to be responsible, all payments in settlement of said claims to be made out of the appropriation "Pay, miscellaneous": Provided further, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy. (July 11, 1919, c. 9, 41 Stat. 132.)

From the naval service appropriation act for 1920.

§ 652b. Adjustment of claims for damages to private property from operations of aircraft—The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to pri-

vate property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250. Provided further, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy. (July 1, 1922, c 259, 42 Stat. 805 Jan. 22, 1923, c. 28, 42 Stat. 1148. May 28, 1924, c. 203, 43 Stat 199 Feb. 11, 1925, c. 209, 43 Stat 877.)

From the Navy Department and Naval Service Appropriation act for the year 1926, cited above. A similar provision is contained in prior acts.

§ 654.

Repeated in Act March 1, 1919, c. 86, § 1, 40 Stat 1213, but not in subsequent appropriation acts.

§ 655a. Rewards to civilian employés—The Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to pay cash rewards to civilian employees of the Navy Department or the Naval Establishment or other persons in civil life when due to a suggestion or series of suggestions by them there results an improvement or economy in manufacturing process or plant or naval material. Provided, That such sums as may be awarded to employees or other persons in civil life in accordance with this Act shall be paid them out of current naval appropriations in addition to their usual compensation: Provided further, That no employee or other person in civil life shall be paid a reward under this Act until he has properly executed an agreement to the effect that the use by the United States of the suggestion or series of suggestions made by him shall not form the basis of a further claim of any nature from the United States by him, his heirs, or assigns. (July 1, 1918, c. 114, 40 Stat. 718.)

From the naval service appropriation act for 1919. See note at the beginning of Title XV, post

§ 655b. Distribution of automobiles—The Secretary of the Navy is authorized to distribute the high-powered automobiles now owned and in use in the United States and its insular possessions to such places and service as they may be required. (July 1, 1918, c. 114, 40 Stat. 723)

From the naval service appropriation act for 1919

§ 655c. Shipping Bulletin—The Secretary of the Navy is authorized to cause to be prepared in the Office of Communications, Navy Department, a publication known as the Shipping Bulletin, and to publish and furnish the same to the maritime interests of the United States and other interested parties, at the cost of collecting and publishing the information, including the cost of printing and paper and other necessary expenses. The expenses of such bulletin shall be paid from the appropriation "Engineering," Bureau of Steam Engineering, fiscal year 1921. The money received from the sale of such publication shall be covered into the Treasury as miscellaneous receipts. (June 5, 1920, c. 253, § 1, 41 Stat. 1028.)

From the third deficiency appropriation act for 1920.

Chapter B—The Hydrographic Office

§ 656.

For current appropriation for the Hydrographic office in accordance with the Classification Act of 1923, see Act Feb. 11, 1925, c. 209, 43 Stat 868

§ 657a. Detail of naval officers to—The Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office. (June 4, 1920, c 228, § 1, 41 Stat. 816)

From the naval service appropriation act for 1921. The same provision is contained in prior acts

§ 660.

See post, § 660a

§ 660a. Disposition of receipts from sale of maps, charts, etc.—All sums received from the sale of maps, charts, and other publications issued by the Hydrographic Office after June 30, 1921, shall be covered into the Treasury of the United States as miscellaneous receipts. (May 29, 1920, c. 214, § 1, 41 Stat. 665)

From the legislative, executive, and judicial appropriation act for 1921. It supersedes R. S § 453 (U S. Comp St 1918, § 660).

Chapter C—The Naval Observatory and the Nautical Almanac Office

§ 661.

For current appropriation for the Naval Observatory in accordance with the Classification Act of 1923, see Act Feb. 11, 1925, c 209, 43 Stat. 868.

TITLE XI—THE DEPARTMENT OF THE INTERIOR

Chapter One—The Department

§ 666.

See note to § 669, post.

§ 668.

See note to § 669, post.

§ 668a. Chief clerk—The chief clerk of the Department of the Interior shall be the chief executive officer of the department and may be designated by the Secretary to sign official papers and documents, including the authorization of expenditures from the contingent and other appropriations for the department, its bureaus and offices, section 3683 of the Revised Statutes to the contrary notwithstanding. (May 24, 1922, c. 199, 42 Stat .552 Jan 24, 1923, c. 42, 42 Stat. 1174 June 5, 1924, c. 264, 43 Stat 391. March 3, 1925, c 462, 43 Stat. 1142)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 669. Clerks and employés—There shall also be in the Department of the Interior:

One chief clerk, at a salary of two thousand two hundred dollars a year.

A superintendent of the building, to be designated from the fourth-class clerks, who shall be paid two hundred dollars a year additional.

Three disbursing clerks

The Secretary may, if he deem it necessary and proper, pay two hundred dollars a year additional to any four clerks of the fourth class.

Three messengers, at a salary of nine hundred dollars a year each.

One engineer, at a salary of one thousand four hundred dollars a year.

One captain of the watch, at one thousand two hundred dollars a year

Twenty-eight watchmen for the general service of the Department building and all the bureaus therein, to be allotted to day or night service, as the Secretary may direct.

* * * * * * * *

In the General Land-Office:

One chief clerk, at a salary of two thousand dollars a year.

One principal clerk, on account of military bounty-lands, at a salary of two thousand dollars a year.

One draughtsman, at a salary of one thousand six hundred dollars a year.

One assistant draughtsman, at a salary of one thousand four hundred dollars a year

Two packers, at a salary of seven hundred and twenty dollars a year each

In the office of the Commissioner of Indian Affairs:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Commissioner of Pensions:

One chief clerk, at a salary of two thousand dollars a year

One engineer, at one thousand four hundred dollars a year.

One assistant engineer, at one thousand dollars a year.

In the Patent Office:

Chief clerk, who shall be qualified to act as a principal examiner, $4,000, one solicitor, $5,000; five law examiners, at $4,000 each; examiner of classification, $4,200; two examiners of interference, at $5,000 each, examiner of trade-marks, $3,900, first assistant examiner of trade-marks and designs, $3,000, one second assistant examiner of trade-marks and designs at $2,700, and one at $2,500, one third assistant examiner of trade-marks and designs, at $2,200, and one at $2,050, six fourth assistant examiners of trade-marks and designs—two at $1,800 each, two at $1,650 each, and two at $1,500 each; examiners—forty-eight principals, at $3,900 each; one hundred first assistants—forty at $3,300 each, thirty at $3,100 each, and thirty at $2,900 each; one hundred second assistants—forty at $2,800 each, thirty at $2,500 each, and thirty at $2,350 each, one hundred third assistants—forty at $2,200 each, thirty at $2,050 each, and thirty at $1,925 each; one hundred fourth assistants—forty at $1,800 each, thirty at $1,650 each, and thirty at $1,500 each; financial clerk, who shall give bond in such amount as the Commissioner of Patents may determine, $2,500, librarian, $2,700; eight chiefs of nonexamining divisions, at $2,500 each; eight assistant chiefs of nonexamining divisions, at $2,100 each; private secretary, to be selected and appointed by the commissioner, $2,000; translator of languages, $2,400; assistant translator of languages, $2,000; clerks—twenty-two of class four, at $1,800 each; thirty-three of class three, at $1,600 each; one hundred of class two, at $1,400 each; one hundred and twenty-five of class one, at $1,200 each; one hundred, at $1,100 each; skilled draftsmen, one at $1,800 and three at $1,600 each; three draftsmen, at $1,400 each; forty copyists, at $1,100 each; thirty-six messengers, at $1,080 each; thirteen laborers, at $1,080 each; forty-seven examiners' aids and thirty-nine copy pullers, who shall be selected without regard to apportionment, $720 each.

For special and temporary services of typewriters certified by the Civil Service Commission, who may be employed in such numbers, at $3 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records, $7,500.

For purchase of law, professional, and other reference books and publications and scientific books, and expense of transporting publications of patents issued by the Patent Office to foreign Governments, $10,000.

For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents, and expense attending defense of suits instituted against the Commissioner of Patents, $2,500.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, $750 (R. S § 440, amended, Feb. 15, 1916, c. 22, § 3, 39 Stat 9, and Feb. 18, 1922, c. 58, § 2, 42 Stat. 389)

This section was also amended by Act Feb 18, 1922, c 58, 42 Stat 389, cited above, by changing that part of the section which follows the words "In the Patent Office," so as to make it read as set forth above

For current appropriation for the office of the Secretary of the Interior—Secretary of the Interior, First Assistant Secretary, Assistant Secretary and other personal services in accordance with the Classification Act of 1923, see Act March 3, 1925, c 462, 43 Stat 1141 This appropriation is accompanied by the following provisos "Provided, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 669a. Clerk to sign Indian tribal deeds, etc.—Office of the Secretary. * * Clerk to sign, under the direction of the Secretary, in his name and for him his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200. * * (May 24, 1922, c. 199, 42 Stat. 552 Jan 24, 1923, c. 42, 42 Stat. 1175.)

From the Interior Department appropriation act for the year 1924, cited above The same provision is contained in prior acts, but is omitted from the subsequent Interior Department appropriation acts.

§ 672a. Board of Appeals in office of Solicitor—Office of Solicitor. * * Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,000 each. * * (Jan 24, 1923, c. 42, 42 Stat. 1175.)

From the Interior Department appropriation act for the year 1924, cited above The same provision is contained in prior acts, but is omitted from the subsequent Interior Department appropriation acts.

§ 680a. Annual reports of Department and its Bureaus—The annual reports of the department and of all its bureaus and establishments, including the Bureau of Reclamation, shall not exceed a total of one thousand two hundred and fifty pages. (May 24, 1922, c. 199, 42 Stat. 554. Jan. 24, 1923, c. 42, 42 Stat. 1176. June 5, 1924, c. 264, 43 Stat. 392. March 3, 1925, c. 462, 43 Stat. 1143.)

From the Interior Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts'

§ 680b. Care, maintenance, etc., of buildings transferred to superintendent of State, War, and Navy Department buildings—The responsibility for the care, maintenance, and protection of the Interior Department Building, the Pension Office Building, the Patent Office Building, and the General Land Office Building, including the power, heating and lighting plant therein, and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1922, and thereafter, from the Secretary of the Interior to the superintendent of the

State, War, and Navy Department Buildings (May 24, 1922, c 199, 42 Stat 554)

From the Interior Department appropriation act for the year 1923, cited above

For change in office of superintendent of State War, and Navy Department Buildings, see post, §§ 3329f-3329k

Chapter Three—The General Land-Office

§ 690.

For current appropriation for the General Land Office in accordance with the Classification Act of 1923, see Act March 3, 1925, c 462, 43 Stat 1144

§ 697a. Clerk to sign patents—One clerk of grade 1, clerical, administrative and fiscal service, who shall be designated by the President, to sign land patents. (May 24, 1922, c 199, 42 Stat. 552. Jan 24, 1923, c. 42, 42 Stat. 1174 June 5, 1924, c. 264, 43 Stat 391 March 3, 1925, c. 462, 43 Stat. 1142)

From the Interior Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 697b. Depositary acting for Commissioner as receiver of public moneys—General Land Office * * Depositary acting for the commissioner as receiver of public moneys, $2,000, who may, with the approval of the commissioner, designate a clerk of the General Land Office to act as such depositary in his absence. * * (May 24, 1922, c. 199, 42 Stat. 555 Jan. 24, 1923, c. 42, 42 Stat. 1177)

From the Interior Department appropriation act for the year 1924, cited above The same provision is contained in prior acts, but is omitted from the subsequent Interior Department appropriation acts

§ 697c. Chief of field service; other employés—General Land Office. * * The compensation of the chief of field service employed hereunder, including his services in the District of Columbia, shall not exceed $3,500 per annum and the compensation of all others employed hereunder shall not exceed $2,700 per annum each, except in Alaska, where a compensation not to exceed $3,000 per annum may be allowed: Provided further, That agents and others employed under this appropriation may be allowed per diem in lieu of subsistence, pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914, and actual necessary expenses for transportation, except when agents are employed in Alaska they may be allowed not exceeding $5 per day each in lieu of subsistence. (May 24, 1922, c 199, 42 Stat. 557. Jan 24, 1923, c 42, 42 Stat. 1179.)

From the Interior Department appropriation act for the year 1924, cited above, accompanying an appropriation to prevent depredations on public timber, etc The same provision is contained in prior acts, but is omitted from subsequent Interior Department appropriation acts.

§ 712a. Sale of photolithographic copies of township plats—Hereafter photolithographic copies of township plats shall be sold to the public at 50 cents each. (June 5, 1920, c. 235, § 1, 41 Stat. 908)

From the sundry civil appropriation act for the fiscal year 1921, cited above.

Chapter Four—The Commissioner [and Bureau] of Indian Affairs

§ 713.

For current appropriation for the Bureau of Indian Affairs in accordance with the Classification Act of 1923, see Act March 3, 1925, c. 462, 43 Stat 1146.

§ 723a. Expenditure of appropriations by Bureau of Indian Affairs—The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs (Nov 2, 1921, c. 115, 42 Stat 208)

This section is an act entitled 'an act authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes," cited above.

Chapter Five—The Commissioner of Pensions

§ 727.

For current appropriations for the office of the Commissioner of Pensions in accordance with the Classification Act of 1923, see Act March 3, 1925, c. 462, 43 Stat. 1164.

Chapter Six—The Patent-Office

§ 736.

For enumeration of officers and employés in the Patent Office, see ante, § 669 See, also, post, § 737.

For current appropriation for the Patent Office in accordance with the Classification Act of 1923, see Act March 3, 1925, c 462, 43 Stat. 1165 Said act also provides as follows "Provided, That of the amount herein appropriated not to exceed $25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at $4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

'For temporary additional employees in the Patent Office at rates of compensation in accordance with 'The Classification Act of 1923,' such employees to serve without annual or sick leave allowance and to be appointed under the provisions of the civil service laws, rules, and regulations for the purpose of making current the work of the Patent Office, $191,000."

§ 737. Salaries—The salaries of the officers mentioned in the preceding section shall be as follows

The Commissioner of Patents, $6,000 a year

The First Assistant Commissioner of Patents, $5,000 a year.

The Assistant Commissioner of Patents, $5,000 a year

Five examiners in chief, $5,000 a year each. (R S § 477, amended, Feb. 15, 1916, c. 22, § 2, 39 Stat. 9, and Feb. 18, 1922, c. 58, § 1, 42 Stat. 389)

This section was again amended by Act Feb. 18, 1922, c 58, 42 Stat 389, cited above. The amendment consists in increasing the salaries of the officers mentioned.

§ 738.

See ante, § 669. See, also, note to § 736, ante.

§ 738a.

See ante, § 669. See, also, note to § 736, ante.

§ 739.

See ante, § 669. See, also, note to § 736, ante.

§ 739a.

See ante, § 669 See, also, note to § 736, ante.

§ 739b.

See ante, § 669 See, also, note to § 736, ante.

§ 739c.

See ante, § 669. See, also, note to § 736, ante.

§ 750. Patent-agents or attorneys; rules and regulations for; suspension or exclusion from practice—The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing applicants or other parties before his office, and may require of such persons, agents, or attorneys, before being recognized as representatives of applicants or other persons, that they shall show that they are of good moral character and in good repute, are possessed of the necessary qualifications to enable them to render to applicants or other persons valuable service, and are likewise competent to advise and assist applicants or other persons in the presentation or prosecution of their applications or other business before the office. And the Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before his office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who refuses to comply with the said rules and regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the office, by word, circular, letter, or by advertising The reasons for any such suspension or exclusion shall be duly recorded. And the action of the commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the Supreme Court of the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine. (R S. § 487, amended, Feb. 18, 1922, c. 58, § 3, 42 Stat 390)

This section was amended by Act Feb. 18, 1922, c 58, § 3, 42 Stat 390, cited above to read as set forth above Prior to this amendment said section read as follows "For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent-agent, either generally or in any particular case, but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior."

§ 756. [Superseded.]

This section (R S. § 493, as amended) provided for the determination by the Commissioner of Patents of the price to be paid for uncertified printed copies of specifications and drawings of patent It was superseded by Act Nov 4, 1919, c 93, § 1, post, § 756a

§ 756a. Printing specifications and drawings; price for uncertified copies—Hereafter 10 cents per copy shall be charged for uncertified printed copies of specifications and drawings of patents. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 335.)

This is a provision of the deficiency appropriation act for the year 1920, Act Nov 4, 1919, c 93, § 1. It supersedes R. S. § 493, as amended (U. S Comp St 1918, § 756).

§ 757b. Multigraphing headings of drawings for patented cases—The headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography. (June 5, 1924, c. 264, 43 Stat. 415. March 3, 1925, c. 462, 43 Stat. 1165)

From the Interior Department appropriation act for the year 1926, cited above

§ 759a. Commission to select Patent Office models for preservation and exhibition; expenses; report to Congress—A commission to consist of the Commissioner of Patents and the Secretary of the Smithsonian Institution, or their representatives, and a patent attorney duly registered as such in the Patent Office, the latter to be designated by the Commissioner of Patents, with the approval of the Secretary of the Interior, is hereby created to select such of the Patent Office models and exhibition exhibits as may be deemed to be of value and of historical interest, and thereafter store or place the same on exhibition in the Patent Office or the National Museum, and cause the remainder of the said models and exhibits to be disposed of by public auction, gift to Federal, State, or private museums or institutions, or returned without expense to the Government to the original depositors or their representatives, where demanded in writing by them, or destroyed, as the commission may determine

The Commissioner of Patents is authorized to pay necessary drayage and all other expenses incident to handling and removing the said models and exhibits and to employ per diem employees in such numbers and at such times as he may determine, and pay each of the said employees at a rate of compensation not to exceed $5 per day, such employees to be engaged upon the work of uncrating, removing, crating, storing, listing, sorting, and otherwise handling said models and exhibits

In order to carry out the purposes of this Act the sum of $10,000 is hereby authorized to be appropriated out of any moneys in the Treasury, not otherwise appropriated: Provided, That all actions and expenditures herein authorized shall be subject to the approval of the Secretary of the Interior.

A report shall be made to Congress of the action of the commission hereunder. (Feb. 13, 1925, c 230, 43 Stat. 942.)

This section is an act entitled "An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes," cited above.

Chapter Seven—The Superintendent of Public Documents

(R. S. § 510.) [Repealed]

This section of the Revised Statutes (relating to the compilation and publication of the Biennial Register), and all acts or parts of acts amendatory thereof or supplemental thereto, are repealed by Act March 3, 1925, c. 421, § 2(d), 43 Stat. 1106.

Chapter Nine—The Office of Education

§ 766.

For current appropriation for the Bureau of Education in accordance with the Classification Act of 1923, see Act March 3, 1925, c. 462, 43 Stat. 1179.

Chapter Nine A—The Geological Survey

§ 770.

For current appropriation for the Geological Survey in accordance with the Classification Act of 1923, see Act March 3, 1925, c. 462, 43 Stat 1172.

§ 776a. Survey of power production and distribution—For a survey of power production and distribution in the United States, including the study of methods for the further utilization of water power, and the special investigation of the possible economy of fuel, labor, and materials resulting from the use in the Boston-Washington industrial region of a comprehensive system for the generation and distribution of electricity to transportation lines and industries, and the preparation of reports thereon. * * The Secretary of the Interior is authorized to receive any sums which may be contributed for this purpose. Such sums shall be deposited in the Treasury and credited to the appropriation herein made and be available for expenditure for the purposes thereof. (June 5, 1920, c. 235, § 1, 41 Stat. 910.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1921, cited above.

§ 779.

See post, § 7093a.

§ 782a. Exchange of old freight-carrying vehicles as part payment for new—The Geological sur-

vey is authorized to exchange unserviceable and worn-out freight-carrying vehicles as part payment for new freight-carrying vehicles. (May 24, 1922, c. 199, 42 Stat 586 Jan 24, 1923, c 42, 42 Stat 1208. June 5, 1924, c. 264, 43 Stat. 419. March 3, 1925, c. 462, 43 Stat 1172)

From the Interior Department appropriation act for the year 1926, cited above Prior appropriation acts contain similar provisions

Chapter Nine B—The Bureau of Mines

§ 783.

For current appropriation for the Bureau of Mines, see Act March 3, 1925, c 462, 43 Stat 1173. Said act also contains the following "During the fiscal year 1926 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made Provided, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended"

§ 783a. Details of employés for service in Washington—Persons employed during the fiscal year 1926 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for purposes of preparing results of their field work, all persons so detailed shall be paid in addition to their regular compensation only their actual traveling expenses or per diem in lieu of subsistence in going to and returning therefrom: Provided, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence while on temporary detail in the District of Columbia, for purposes only of consultation or investigations on behalf of the United States. All details made hereunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof. (May 24, 1922, c. 199, 42 Stat. 589. Jan 24, 1923, c. 42, 42 Stat 1210. June 5, 1924, c. 264, 43 Stat. 421. March 3, 1925, c. 462, 43 Stat. 1175.)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts

§ 784a. Experiments with lignite coal and peat; appropriation—The Secretary of the Interior is hereby authorized and directed to make experiments and investigations, through the Bureau of Mines, of lignite coals and peat, to determine the commercial and economic practicability of their utilization in producing fuel oil, gasoline substitutes, ammonia, tar, solid fuels, gas for power and other purposes, and there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be needed, to conduct such experiments and investigations, including personal services in the District of Columbia and elsewhere, and including supplies, equipment, expenses of traveling and subsistence, and for every other expense incident to this work. (Feb. 25, 1919, c. 23, § 1, 40 Stat. 1154.)

This section, and the section next following, are an act entitled "An act authorizing the Secretary of the Interior to make investigations through the Bureau of Mines, of lignite coals and peat, to determine the practicability of their utilization as a fuel and in producing commercial products," cited above.

§ 784b. Same; disposition of property after investigation concluded—The Secretary of the Interior is authorized and directed to sell or otherwise dispose of any property, plant, or machinery purchased or acquired under the provisions of this Act, as soon as the experiments and investigations hereby authorized have been concluded, and report the results of such experiments and investigations to Congress (Feb 25, 1919, c 23, § 2, 40 Stat. 1154.)

See note to § 784a, ante.

§ 787c. Headquarters of mine rescue cars—For the purchase or lease of necessary land, where and under such conditions as the Secretary of the Interior may direct, for headquarters of mine rescue cars and construction of necessary railway sidings and housing for the same, or as the site of an experimental mine and a plant for studying explosives, * *: Provided, That the Secretary of the Interior is authorized to accept any suitable land or lands, buildings, or improvements that may be donated for said purpose and to enter into leases for periods not exceeding ten years, subject to annual appropriations by Congress. (June 5, 1920, c 235, § 1, 41 Stat. 912)

From the sundry civil appropriation act for the fiscal year 1921, cited above. Similar provisions are contained in prior acts.

Chapter Nine C—The National Park Service

§ 787d.

For current appropriation for the Director of the National Park Service in accordance with the Classification Act of 1923, see Act March 3, 1925, c 462, 43 Stat 1176.

§ 787f. National parks, reservations and monuments; rules and regulations; timber; leases—The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months or both, and be adjudged to pay all costs of the proceedings He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding twenty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to any one on such terms as to interfere with free access to them by the public: Provided however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park. (Aug. 25, 1916, c. 408, § 3, 39 Stat 535, amended, June 2, 1920, c. 218, § 5, 41 Stat. 732)

This section was amended by Act June 2, 1920, c. 218, § 5, 41 Stat 732, cited above, by striking out, after the words "National Park Service," the words "and any violations of any of the rules and regulations authorized by this

Act shall be punished as provided for in section 50 of the Act entitled 'An Act to codify and amend the Penal Laws of the United States,' approved March 4, 1909, as amended by section 6 of the Act of June 25, 1910 (Thirty-Sixth United States Statutes at Large, page 857)," and by inserting in lieu thereof the words 'and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all costs of the proceedings."

§ 787h. Donations of lands within national parks and monuments and moneys—Hereafter the Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights of way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system (June 5, 1920, c 235, § 1, 41 Stat. 917.)

From the sundry civil appropriation act for the year 1921, cited above.

§ 787i. Exchange of motor vehicles and equipment as part consideration in purchase of new equipment—The National Park Service may exchange hereafter, as part consideration, in the purchase of new equipment, motor vehicles, and any other equipment for use in the national parks (Jan. 24, 1923, c. 42, 42 Stat 1215)

From the Interior Department appropriation act for the year 1924, cited above, repeated from the Interior Department appropriation act for the year 1923, which did not contain the word "hereafter."

TITLE XII—THE DEPARTMENT OF AGRICULTURE

Chapter A—The Department and the Secretary of Agriculture

§ 791.

For current appropriation for the office of the Secretary of Agriculture—Secretary of Agriculture, Assistant Secretary, and other personal services in accordance with the Classification Act of 1923, see Act Feb 10, 1925, c 200, 43 Stat 822 This appropriation is accompanied by the following provisos: "Provided, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

Said appropriation act also appropriates as follows.

"Office of Editorial and Distribution Work—Salaries For chief of office and other personal services in the District of Columbia in accordance with the Classification Act of 1923. * * "

"Office of Experiment Stations—Salaries: For chief of office and other personal services in the District of Columbia in accordance with the Classification Act of 1923. * * "

Salary of Secretary of Agriculture fixed at $15,000 per annum See ante, § 36.

§ 793.

See note to § 791, ante

§ 794a. Oaths, affirmations, and affidavits taken by officers, agents, or employees of Department; use and effect of—Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are hereby authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may hereafter be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee (Jan. 31, 1925, c. 124, § 1, 43 Stat 803.)

This section, and the section next following, are Sections 1 and 2 of an act entitled "An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes," cited above Section 3 of this act is set forth post, as § 3218a

§ 794b. Same; fee for administering or taking—No officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this Act. (Jan. 31, 1925, c. 124, § 2, 43 Stat. 803)

See note to § 794a, ante.

§ 795.

The Agriculture Department appropriation act for the year 1926, Act Feb. 10, 1925, c. 200, 43 Stat. 822, makes appropriations as follows.

"Bureau of Plant Industry * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

"Forest Service * * For the Chief Forester and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

"Bureau of Chemistry. * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc

"Bureau of Soils. * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

"Bureau of Entomology. * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc

"Bureau of Biological Survey * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923 * * Division of Accounts and Disbursements. * * For chief of division and other personal services in the District of Columbia in accordance with the Classification Act of 1923. * * Library, Department of Agriculture. * * For librarian and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc

"Bureau of Public Roads * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

"Bureau of Agricultural Economics. * * For chief of bureau and other personal services in the District of Columbia, in accordance with the Classification Act of 1923," etc.

"Bureau of Home Economics. * * For chief of bureau and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

"Enforcement of the Insecticide Act * * For executive officer and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc

"Federal Horticultural Board. * * For secretary of the board and other personal services in the District of Columbia in accordance with the Classification Act of 1923," etc.

§ 795a(1). Bureau of Markets and Crop Estimates—Hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics and the Bureau of Crop Estimates of the Department of Agriculture shall be exercised and performed by the Bureau of Markets and Crop Estimates (March 3, 1921, c. 127, 41 Stat. 1343)

From the agricultural appropriation act for the year 1922, cited above

§ 795aa(1). Bureau of markets; administration of oaths—Hereafter, in the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of Acts (United States Cotton Futures Act, Thirty-ninth Statutes at Large, page 476, United States Grain Standards Act, Thirty-ninth Statute at Large, page 482, United States Warehouse Act, Thirty-ninth Statutes at Large, page 486, Standard Container Act, Thirty-ninth Statutes at Large, page 673, and the Acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative specifically authorized in writing by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers (July 24, 1919, c 26, 41 Stat. 267)

This section is a provision of the agricultural apropriation act for the fiscal year 1920, cited above, repeated from the agricultural appropriation act for the fiscal year 1919, Act Oct 1, 1918, c 178, 40 Stat 1004, with the word "hereafter," and without the restriction to the current fiscal year

§ 795aa(2). Powers and duties of Bureau of Markets, Bureau of Markets and Crop Estimates, and Office of Farm Management and Farm Economics transferred to Bureau of Agricultural Economics—Hereafter the powers conferred and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farm Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics. (May 11, 1922, c. 185, 42 Stat. 532.)

From the Agricultural Department appropriation act for the year 1923, cited above.

§ 807b. Leaves of absence; employés assigned to duty in Virgin Islands—Hereafter employees of the Department of Agriculture assigned to permanent duty in the Virgin Islands shall be entitled to the same privileges as to leave of absence as are conferred upon employees assigned to Alaska, Hawaii, Porto Rico, and Guam by the Act of June 30, 1914 (Thirty-eighth Statutes at Large, page 441), and if any employee of the agricultural experiment stations of the United States in Alaska, Hawaii, Porto Rico, Guam, or the Virgin Islands shall elect to postpone the taking of any or all of the annual leave to which he may be entitled under the said Act of June 30, 1914, he may, in the discretion of the Secretary of Agriculture, subject to the interests of the public service, be allowed to take at one time unused annual leave which may have accumulated within not to exceed four years, and be paid at the rate prevailing during the year such leave of absence has accumulated. (July 24, 1919, c 26, 41 Stat. 262.)

From the agricultural appropriation act for the year 1920, cited above.

§ 813a. Reimbursement of appropriation for salaries and compensation of employés in mechanical shops—Hereafter the Secretary of Agriculture may, by transfer settlement through the general accounting office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work. (May 11, 1922, c. 185, 42 Stat 508)

From the Agricultural Department appropriation act for the year 1923, cited above.

§ 814b.

The Agriculture Department appropriation act for the year 1926, Act Feb 10, 1925, c 200, 43 Stat. 850, contains the following

"Passenger-Carrying Vehicles That not to exceed $150,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia Provided, That not to exceed $46,000 of this amount shall be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia· Provided further That the Secretary of Agriculture is authorized to purchase, from the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (Forty-second Statutes at Large, page 212), not to exceed $25,000 for motor-propelled passenger-carrying vehicles to replace such vehicles transferred under authority of the Acts of February 28, 1919 (Fortieth Statutes at Large, page 1201), March 15, 1920 (Forty-first Statutes at Large, page 530), and November 9, 1921 (Forty-second Statutes at Large, page 212), from the War Department and retained and used by the Secretary of Agriculture in the construction and maintenance of national forest roads or other roads constructed under his direct supervision which are or may become unserviceable Provided further, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year· Provided further, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, or boats, or parts, accessories, tires, or equipment of such vehicles, or boats, purchased by him"

§ 814bbb. Exchange of parts, etc., of motor-propelled or horse-drawn vehicles in part payment for new parts—Hereafter the Secretary of Agriculture may exchange used parts, accessories, tires, or equipment of motor-propelled and horse-drawn vehicles in part payment for new parts, accessories, tires, or equipment of such vehicles authorized to be purchased by him, to be used for the same purposes as those proposed to be exchanged (May 31, 1920, c 217, 41 Stat 728)

From the agricultural appropriation act for the year 1921, cited above.

§ 814e. American bison for municipalities or public institutions—Hereafter the Secretary of Agriculture may, in his discretion and under such conditions as he may prescribe, supply to any municipality or public institution not more than one American bison from any surplus which may exist in any herd under the control of the Department of Agriculture: and, in order to aid in the propagation of the species, animals may be loaned to or exchanged with other owners of American bison. (July 24, 1919, c. 26, 41 Stat. 270)

From the agricultural appropriation act for the year 1920, cited above

§ 820a. Seeds and plants; contracts for printed packets—The Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. (May 11, 1922, c. 185, 42 Stat 517.)

From the Agriculture Department appropriation act for the year 1923, cited above The same provision is contained in prior acts

§ 826a. Semi-monthly cotton crop reports—Hereafter the Secretary of Agriculture shall discontinue acreage reports based upon farmers' intention to

plant cotton and shall cause to be issued between July 1 and December 1 semimonthly reports as to the condition, progress, and probable production of cotton No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting committee or board consisting of five members or more to be designated by him, not less than three of which shall be supervisory field statisticians of the Department of Agriculture located in different sections of the cotton-growing States, experienced in estimating cotton production and who have first-hand knowledge of the condition of the cotton crop based on recent field observations, and a majority of which committee or board shall be familiar with the methods and practices of producing cotton· Provided, That the foregoing reports as of the following dates, August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, and December 1, shall be released simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at eleven o'clock antemeridian of the eighth day following that to which the respective reports relate When such date of release falls on Sunday or a legal holiday, the report shall be issued at eleven o'clock antemeridian of the next succeeding workday (May 3, 1924, c. 149, § 1, 43 Stat. 115.)

This section is § 1 of an act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports by the Department of Commerce," cited above Section 2 of this act repeals all inconsistent laws and parts of laws to the extent of such inconsistency.

§ 827a.

The Agriculture .Department appropriation act for the year 1926, Act Feb. 10, 1925, c. 200, 43 Stat. 830, contains the following provisions.

"Bureau of Plant Industry * * For conducting such investigations of the nature and means of communication of the disease of citrus trees known as citrus canker, and for applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $48,630, and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations for the accomplishment of such purposes Provided, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed,

"For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, * *

"For applying such methods of eradication or control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, county or local authorities, or by individuals or organizations for the accomplishment of such purposes, $348,280: Provided, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed,

"Bureau of Entomology. * * Preventing Spread of Moths To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects, by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such a manner as is provided by the general nursery stock law, approved August 20, 1912, as amended, entitled 'An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movements of fruits, plants, and vegetables therefrom, and for other purposes,' in cooperation with the authorities of the different States concerned and with the several State experiment stations including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, * *

"Prevention of Spread of European Corn Borer To enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the investigation, control, and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including, when necessary, cooperation with the Federal Horticultural Board in establishing, maintaining, and enforcing quarantines promulgated under the plant quarantine Act of August 20, 1912, as amended, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expense, $83,630, of which amount $50,000 shall be immediately available, Provided, That in the discretion of the Secretary of Agriculture $100,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations, for the accomplishment of such purposes

"Control and Prevention of Spread of the Mexican Bean Beetle To enable the Secretary of Agriculture to meet the emergency caused by the recent introduction and rapid multiplication of the Mexican bean beetle in the State of Alabama, and other States, and to provide means for the study, experimentation in eradication, and for the control and prevention of the spread of this insect in that State and to other States, in cooperation with the State of Alabama and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses * *

"Preventing Spread of Japanese Beetle To enable the Secretary of Agriculture to meet the emergency caused by the spread of the Japanese beetle, and to provide means for the investigation, control, and prevention of spread of this insect throughout the United States, in cooperation with the States concerned, including, when necessary, cooperation with the Federal Horticultural Board in establishing, maintaining, and enforcing quarantines promulgated under the plant quarantine Act of August 20, 1912, as amended, including the employment of persons and means in the city of Washington and elsewhere * *

"Federal Horticultural Board * * General Expenses, Federal Horticultural Board * * To enable the Secretary of Agriculture to carry into effect the provisions of the Act of August 20, 1912, as amended, entitled 'An Act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes'; to prevent the movement of cotton and cottonseed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof: Provided, That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection at plants constructed therefor out of any appropriation made on account of the pink bollworm of cotton shall be covered into the Treasury as miscellaneous receipts, * *

"To enable the Secretary of Agriculture to meet the emergency caused by the establishment of the potato wart in eastern Pennsylvania and to provide means for the extermination of this disease in Pennsylvania or elsewhere in the United States, in cooperation with the State or States concerned, including rent outside the District of Columbia, employment of labor in the city of Washington or elsewhere, and all other necessary expenses. * *

"Eradication of Pink Bollworm. To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink bollworm of cotton in Mexico, and to prevent the establishment of such insect in the United States by the employment of all means necessary, including rent outside of the District of Columbia and the employment of persons and means in the city of Washington and elsewhere, * *:

"To make surveys to determine the actual distribution of the pink bollworm in Mexico and to exterminate local infestations in Mexico near the border of the United States, in cooperation with the Mexican Government or local Mexican authorities, * *;

"To investigate in Mexico or elsewhere the pink bollworm as a basis for control measures, * *;

"To conduct surveys and inspections in Texas or in any

other State to detect any infestation and to conduct such control measures, including the establishment of cotton-free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation, to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to cooperate with the Mexican Government or local Mexican authorities, or otherwise, by undertaking in Mexico such measures for the extermination of the pink bollworm of cotton as shall be determined to be practicable from surveys showing its distribution, $286,140 Provided, That not to exceed $200,000 may be available for reimbursement to cotton-growing States, for expenses incurred by them in connection with losses due to enforced nonproduction of cotton in certain zones in the manner and upon the terms and conditions set forth in Senate Joint Resolution Numbered 72, approved August 9, 1921 Provided further, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed

"Eradication of the Parlatoria Date Scale To enable the Secretary of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale in California, Arizona, or any other State, and to provide means for the extermination of this insect in California, Arizona, or elsewhere in the United States, in cooperation with the states concerned, * *"

§ 828.

For current appropriation for printing and binding farmers' bulletins, see Act Feb 10, 1925, c 200, 43 Stat 823

§ 828a. Quality and condition of farm products received at central markets; certificates issued by agents—For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality and condition of cotton and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered Provided, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained. * * (May 11, 1922, c. 185, 42 Stat 532. Feb 26, 1923, c. 119, 42 Stat. 1313. June 5, 1924, c. 266, 43 Stat. 453. Feb. 10, 1925, c. 200, 43 Stat 844.)

From the Agriculture Department appropriation act for the year 1926, cited above The same provisions are contained in prior acts.

§ 828b. Supplies and equipment for Center Market—The Secretary of Agriculture may purchase necessary supplies and equipment for use at Center Market, without regard to awards made by General Supply Committee. * * (Feb. 26, 1923, c. 119, 42 Stat. 1320. June 5, 1924, c. 266, 43 Stat 459. Feb. 10, 1925, c. 200, 43 Stat. 846.)

From the Agriculture Department appropriation act for the year 1926, cited above which also contains the following provisions in connection with the Center Market: "To continue the employment of the necessary persons under the conditions in existence at the time of the taking over of the property by the Secretary of Agriculture, with such changes thereof as he may find necessary; to provide a fund for the payment of freight, express, drayage, and other charges and claims against the commodities accepted for storage, and to require reimbursement thereof with interest at the rate of 6 per centum per annum under such rules as the Secretary of Agriculture may prescribe, and to remove, sell, or otherwise dispose of such commodities held as security for such payment when such reimbursement is not made when due, all reimbursement of such payments and all receipts from such disposition of commodities to be credited to such fund and to be reexpendable therefrom; and to use such other means as the Secretary of Agriculture may find necessary for the proper occupancy and use by the Government and its tenants of said property, $176,000: Provided, That not more than $500 may be used for the payment of claims for the loss of or damage to goods while in storage in Center Market that have accrued or may accrue at any time during the operation thereof by the Secretary of Agriculture in accordance with such regulations as he may prescribe."

§ 832b.

The agricultural appropriation act for the year 1922, Act March 3, 1921, c 127, 41 Stat 1333, contains the following provision 'For the care and maintenance of the Government kelp plant at Summerland, California, $5,000 Provided, That at any time during the fiscal year 1921 or thereafter when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, machinery, marine equipment, kelp harvesters, boats, leasehold or contract rights, and all other property of whatever nature or kind appertaining to the experimental kelp potash plant of the Department of Agriculture situated at Summerland, California, and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts"

The agricultural appropriation act for the fiscal year 1920, Act July 24, 1919, c 26, 41 Stat 255, contains the following provision "For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $127,600 Provided, That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts"

§ 832bb. Sale of products from agricultural experiment stations in Alaska, Hawaii, Porto Rico, Guam and the Virgin Islands—To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses; * * and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts. * * (May 11, 1922, c. 185, 42 Stat 529 Feb. 26, 1923, c. 119, 42 Stat. 1292. June 5, 1924, c. 266, 43 Stat. 434. Feb. 10, 1925, c. 200, 43 Stat. 824)

From the Agriculture Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

§ 832c. Loan, rental or sale of films—Hereafter the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films: Provided, That in the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts. (May 31, 1920, c 217, 41 Stat. 718.)

This section is a provision accompanying appropriations for the Division of Publications of the Department of Agriculture, in the agricultural appropriation act for the fiscal year 1921, cited above, repeated from prior acts, with the addition of the word "hereafter."

§ 839a. Reports; expenditures for agricultural experiment stations—The Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress. (May 11, 1922, c. 185, 42 Stat. 528. Feb. 26, 1923, c. 119, 42 Stat. 1292. June 5, 1924, c 266, 43 Stat. 434. Feb. 10, 1925, c. 200, 43 Stat. 824)

From the Agriculture Department appropriation act for the year 1926, cited above, accompanying the appropriations for agricultural experiment stations in said act. The same provision is contained in prior acts.

§ 839b. Vegetable dehydration plants—To enable the Secretary of Agriculture to cooperate with individuals, firms, or corporations, owning or operating plants for drying or dehydration of vegetables, fruits, and other perishable edible products to determine the best means and processes of dehydration and to disseminate information as to the value and suitability of such products for human food * * Provided, That the Secretary of Agriculture is hereby authorized, if the President shall determine it to be necessary, to use all or any part of this appropriation for the establishment and operation of a plant or plants for the dehydration of vegetables, fruits, and other perishable edible products in any place or places in the United States for the purpose of supplying food for the Army and Navy, and the money received from the operation of any such plant or plants shall constitute a revolving fund until June thirtieth, nineteen hundred and nineteen (Oct. 1, 1918, c. 178, 40 Stat 1007)

From the agricultural appropriation act for the fiscal year 1919, cited above

§ 839c. Requisition of buildings for use of Department—The Secretary of Agriculture is authorized, for the official purposes of the Department of Agriculture, and within the limits of the appropriations for rent made by this or any other Act making appropriations for the Department of Agriculture, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof which are now or heretofore have been used for such purposes, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government; and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of such amount, and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation for such use in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code. (Nov. 21, 1918, c 212, § 1, 40 Stat. 1048)

This section is a provision of an act entitled "An Act to enable the Secretary of Agriculture to carry out, during the fiscal year ending June thirtieth, nineteen hundred and nineteen, the purposes of the Act entitled 'An Act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products,' and for other purposes," cited above

§ 839d. Mileage for motorcycles or automobiles—Whenever, during the fiscal year ending June 30, 1926, the Secretary of Agriculture shall find that the expenses of travel can be reduced thereby, he may, in lieu of actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 3 cents per mile for motor cycle or 7 cents per mile for an automobile, used for necessary travel on official business (May 11, 1922, c. 185, 42 Stat. 538. Feb. 26, 1923, c 119, 42 Stat. 1319 June 5, 1924, c. 266, 43 Stat. 459. Feb. 10, 1925, c. 200, 43 Stat. 851.)

From the Agriculture Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 839e. Cooperation with state and other agencies; expenditures—Hereafter in carrying on the activities of the Department of Agriculture involving cooperation with State, county and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, Territory, district or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture (July 24, 1919, c. 26, 41 Stat 270)

From the agricultural appropriation act for the year 1920, cited above

§ 839f. Same; salaries of employés of Department—The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106, nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to the said proviso. (July 24, 1919, c 26, 41 Stat. 270)

From the agricultural appropriation act for the year 1920, cited above For the provision of Act March 3, 1917, c 163 § 1, mentioned in this section, see U S Comp St. 1918, § 3231a

§ 839g. Report of completed investigations; report of duplicated services—The Secretary of Agriculture is directed hereafter to submit to Congress at the beginning of each regular session a report showing what investigations devolved upon the Department of Agriculture have been completed during the preceding fiscal year, and also showing what services, if any, devolved upon the department are being performed or duplicated, in whole or in part, by any other department, bureau, or agency of the Government. (March 3, 1921, c. 127, 41 Stat. 1347.)

From the agricultural appropriation act for the year 1922, cited above

Chapter B—The Weather Bureau

§ 842.

For current appropriation for the Weather Bureau in accordance with the Classification Act of 1923, see Act Feb. 10, 1925, c. 200, 43 Stat. 825.

§ 845a. Printing office—General expenses, Weather Bureau * * For the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, * *: Provided, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau. * * (May 11, 1922, c. 185, 42 Stat. 509 Feb. 26, 1923, c. 119, 42 Stat. 1294. June 5, 1924, c. 266, 43 Stat. 436. Feb 10, 1925, c. 200, 43 Stat. 826.)

From the Agriculture Department appropriation act for the year 1926, cited above The same provision is contained in prior acts.

Chapter C—The Bureau of Animal Industry

§ 850.

For current appropriation for the Bureau of Animal Industry in accordance with the Classification Act of 1923, see Act Feb 10, 1925, c. 200, 43 Stat. 826.

§ 850a. Overtime of employés—Hereafter, the Secretary of Agriculture is authorized, in his discre-

tion, to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of the Meat Inspection Act of June 30, 1906, for all overtime work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work (July 24, 1919, c 26, 41 Stat 241)

From the agricultural appropriation act for the year 1920, cited above.

Chapter D—The Bureau of Dairying

§ 852½. Bureau established—There is hereby established in the Department of Agriculture a bureau to be known as the Bureau of Dairying (May 29, 1924, c 208. § 1, 43 Stat. 243)

This section, and the three sections next following, are an act entitled "An act to establish a Dairy Bureau in the Department of Agriculture, and for other purposes," cited above Section 5 of this act provides that the act shall take effect July 1, 1924

§ 852½a. Chief of Bureau—A Chief of the Bureau of Dairying shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture He shall devote his time to the investigation of the dairy industry, and the dissemination of information for the promotion of the dairy industry (May 29, 1924, c 208, § 2, 43 Stat 243)

See note to § 852½, ante

§ 852½b. Activities transferred to Bureau—For the purpose of enabling the Secretary of Agriculture and the Chief of the Bureau of Dairying to carry out the purposes of this Act, the Secretary of Agriculture is hereby authorized to transfer to the Bureau of Dairying such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry, and to employ such additional persons in the city of Washington and elsewhere, as may be necessary. (May 29, 1924, c 208, § 3, 43 Stat. 243.)

See note to § 852½, ante.

§ 852½c. Appropriation for Bureau—For the purpose of carrying out the provisions of this Act and the activities of the Bureau of Dairying, such sums of money as Congress may deem necessary are hereby authorized to be appropriated, in addition to such sums provided for in the Agricultural Appropriation Act for the fiscal year ending June 30, 1925 (May 29, 1924, c 208, § 4, 43 Stat. 243)

See note to § 852½, ante
For current appropriation for the Bureau of Dairying in accordance with the Classification Act of 1923, see Act Feb 10, 1925, c. 200, 43 Stat. 829

TITLE XII A—THE DEPARTMENT OF COMMERCE

Chapter A—The Department and the Secretary of Commerce

§ 853.
Salary of Secretary of Commerce fixed at $15,000 per annum See ante, § 36.

§ 854.
For current appropriation for the office of the Secretary of Commerce—Secretary of Commerce, Assistant Secretary, and other personal services in the District of Columbia in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title III, 43 Stat 1023

§ 854a. Commercial attachés—Commercial attachés For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States, and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $3,000 per annum for each person so employed, and for janitor and messenger service, traveling and subsistence expenses of officers and employees, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, books of reference, and periodicals, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $400, and all other publications, travel to and from the United States, and all other incidental expenses not included in the foregoing, such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $315,861· Provided. That not to exceed two commercial attachés employed under this appropriation may be recalled from their foreign posts and assigned for duty in the Department of Commerce without loss of salary (March 28, 1922, c. 117, title I, 42 Stat. 472. Jan 5, 1923, c 24, title I, 42 Stat 1112 May 28, 1924, c 204, title III, 43 Stat 225 Feb 27 1925, c 364, title III, 43 Stat. 1034)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above Similar provisions are contained in prior acts
Said act also makes an appropriation for the necessary expenses of the promotion of commerce in Europe and other areas, accompanied by a provision "that not more than four trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce" Said act also makes an appropriation to promote and develop commerce in South and Central America, accompanied by a provision "that not more than two trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce" Said act also makes an appropriation to promote and develop commerce in the Far East, accompanied by a provision, "that not more than two trade commissioners employed under this appropriation may be recalled from their foreign posts and assigned to duty in the Department of Commerce"

§ 854b. Chief clerk and superintendent—Office of the Secretary. * * Chief clerk and superintendent who shall be chief executive officer of the department and who may be designated by the Secretary of Commerce to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretary of the department * * (Jan. 5, 1923, c 24, title I, 42 Stat 1110 May 28, 1924, c. 204, title III, 43 Stat. 224. Feb. 27, 1925, c. 364, title III, 43 Stat. 1033.)

Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. A similar provision is found in prior acts.

§ 872a. Lease of Commerce Building—The Secretary of Commerce is authorized, in his discretion, to enter into a contract for the lease for a period not to exceed five years with an option for a period of five additional years, of the Commerce Building, now occupied by the Department of Commerce, at an annual rental not to exceed $65,500. (March 1, 1919, c. 86, § 1, 40 Stat. 1262)

From the legislative, executive, and judicial appropriation act for the year 1920, cited above.

§ 872b. Care, maintenance, etc., of Department of Commerce building transferred to su-

perintendent of State, War, and Navy buildings—Department of Commerce Building. The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Department of Commerce in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1923, from the Secretary of Commerce to the Superintendent of the State, War, and Navy Department Buildings (Feb 13, 1923, c 72, 42 Stat. 1239)

From the Executive office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above

For changes in office of superintendent of State, War, and Navy Department Buildings, see post, §§ 3329l-3329k

Chapter B—The Bureau of Foreign and Domestic Commerce

§ 873.

For current appropriation for the Bureau of Foreign and Domestic Commerce in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title III, 43 Stat 1034 Said act also provides as follows "Transportation of families and effects of officers and employees

To pay the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of Commerce may prescribe, of families and effects of officers and employees of the Bureau of Foreign and Domestic Commerce in going to and returning from their posts, or when traveling under the order of the Secretary of Commerce, but not including any expenses incurred in connection with leave of absence of the officers and employees of the Bureau of Foreign and Domestic Commerce, $35,000 Provided, That no part of said sum shall be paid for transportation on foreign vessels without a certificate from the Secretary of Commerce that there are no American vessels on which such officers and clerks may be transported at rates not in excess of those charged by foreign vessels."

§ 879. Former Bureau of Statistics in Treasury Department; annual report—The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, annually prepare a report on the statistics of commerce and navigation of the United States with foreign countries, to the close of the calendar year. Such accounts shall comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States from other countries, and all navigation employed in the foreign trade of the United States, which facts shall be stated according to the principles and in the manner hereby directed

First. The kinds, quantities, and values of all articles exported, and the kinds, quantities, and values of all articles imported, shall be distinctly stated in such accounts, except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or in such classes as the Secretary of the Treasury may think fit.

Second. The exports shall be so stated as to show the exports to each foreign country, and their values; and the imports shall be so stated as to show the imports from each foreign country, and their values.

Third. The exports shall be so stated as to show, separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

Fourth. The navigation employed in the foreign trade of the United States shall be stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels, and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels, and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation, and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels

Fifth Such accounts shall comprehend and include, in tabular form, the quantity by weight or measure, as well as the amount of value, of the several articles of foreign commerce, whether dutiable or otherwise, and also a similar and separate statement of the commerce of the United States with the British Provinces, under the late so-called reciprocity treaty with Great Britain (R. S. § 336, amended, Jan. 25, 1919, c 10, 40 Stat 1055)

This section was amended by Act Jan 25, 1919, c. 10, cited above, by striking out the word "fiscal" before the word "year" at the end of the first sentence, and by inserting in lieu thereof the word "calendar," so as to make the section read as set forth above

See, post, §§ 888a, 888b

§ 888a. Disposition of money received from sale of reproductions of statistical compilations—All moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt. (March 1, 1919, c. 86, § 1, 40 Stat. 1256.)

From the legislative, executive, and judicial appropriation act for the year 1920, cited above.

§ 888b. Bureau of Customs Statistics, transferred to Department of Commerce; consolidation with Division of Statistics of Bureau of Foreign and Domestic Commerce; quarters for; appropriations for—That the control and with it the expense of operation of the office known as the Bureau of Customs Statistics under the jurisdiction of the Department of the Treasury, now located in the customhouse, city of New York, State of New York, including all officers, clerks, and other employees of that bureau, official records, papers, mechanical and office equipment, furniture, and supplies now in use, be, and the same hereby is, transferred from the Department of the Treasury to the Department of Commerce. The Secretary of Commerce is hereby authorized, if by him deemed advisable, to consolidate the said Bureau of Customs Statistics with the Division of Statistics of the Bureau of Foreign and Domestic Commerce into one office, located in either Washington or New York, or partly in either place, in the discretion of the Secretary of Commerce; that the statistical bureau hereby authorized to be located in New York under the jurisdiction and control of the Department of Commerce continue to occupy the premises in the New York customhouse which are now occupied by the Bureau of Customs Statistics, and that additional space as needed be assigned in the

same building for its use by the Secretary of the Treasury upon request of the Secretary of Commerce All of the unexpended appropriations or allotments from appropriations available for the maintenance and expense of operation of the said Bureau of Customs Statistics are, from the time when this Act takes effect, deducted from the appropriation of the Department of the Treasury for collecting revenue from customs and transferred to the appropriation for the Department of Commerce, to be available for the current fiscal year from the time of such transfer for expenditure in the District of Columbia or elsewhere, under the direction of the Secretary of Commerce, for personal services, rental, or purchase of mechanical, tabulating, duplicating, and other office machinery, devices, furniture, and supplies, including their exchange or repair, subsistence, traveling and transportation expenses of employees for official purposes; telegraph, telephone, and all other contingent expenses not specifically included in the foregoing. (Jan. 5, 1923, c 23, § 1, 42 Stat 1109.)

This section, and the section next following are sections 1 and 2 of an act entitled 'An act to consolidate the work of collecting and compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce," cited above Section 3 of said act provides that the act shall take effect and be in force on Jan. 1, 1923

§ 888c. Same; tabular statements of imports and exports for collectors of customs; special reports for Treasury Department—The Department of Commerce will furnish monthly to the collectors at the several ports a tabulation in detail showing the quantities and values of the merchandise imported and exported from their respective districts, and will furnish the Treasury Department upon request such special reports as may be necessary from time to time. (Jan 5, 1923, c 23, § 2, 42 Stat. 1110.)

See note to § 888b, ante.

Chapter D—The Bureau of Navigation

§ 891.

For current appropriation for the Bureau of Navigation in accordance with the Classification Act of 1923, see Act Feb. 27, 1925, c 364, title III, 43 Stat. 1038.

Chapter E—The Bureau of Light-Houses

§ 896.

For current appropriation for the Bureau of Lighthouses in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c. 364, title III, 43 Stat 1043

§ 896a. Superintendent of Construction; salary—Hereafter the salary of the Superintendent of Naval Construction in the Bureau of Lighthouses shall be $4,000 per annum. (June 5, 1920, c. 264, § 2, 41 Stat. 1059)

This section is § 2 of an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," cited above.

Chapter F—The Bureau of Fisheries

§ 901.

For current appropriation for the Bureau of Fisheries in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title III, 43 Stat 1046

§ 907a. Vessels of Commission; commutation of rations of officers and crews—Commutation of rations (not to exceed $1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1926 under regulations prescribed by the Secretary of Commerce. (March 28, 1922, c. 117, title I, 42 Stat. 484. Jan. 5, 1923, c. 24, title I, 42 Stat 1125 May 28, 1924, c. 204, title III, 43 Stat. 238 Feb 27, 1925, c. 364, title III, 43 Stat. 1047)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriations act for the year 1923 cited above The same provision is contained in prior acts.

§ 908a. Expenditure of appropriations for propagation of food fishes—Appropriations herein or hereafter made for propagation of food fishes shall not be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents. (July 1, 1918, c. 113, § 1, 40 Stat 693)

From the sundry civil appropriation act for the fiscal year 1919, cited above.

§ 908b. Advisory committee; designations; duties; expenses—For the expenses of an advisory committee of not to exceed two members from the Atlantic coast, two members from the Pacific coast, and four members from the inland waters, Great Lakes, and Alaskan sections of the United States, to be designated from time to time by the Secretary of Commerce, to consist of men prominently identified with the various branches of the fishery industry, qualified in aquatic research, and experienced in fish culture, who shall visit the Bureau of Fisheries at such times as the Secretary of Commerce may deem necessary and report to the Secretary of Commerce on the condition and needs of the service, the members to serve without compensation, but to be paid the actual expenses incurred in attending the meetings. * * (June 16, 1921, c. 23, § 4, 42 Stat. 63)

From the "Second Deficiency Act, fiscal year 1921," cited above.

§ 908c. Station on Mississippi River for rescue of fishes and propagation of mussels—There shall be established on the Mississippi River, at a point to be selected by the Secretary of Commerce, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley, to be under the direction of the Bureau of Fisheries of the Department of Commerce, and for this purpose there is authorized to be appropriated the sum of $60,000 for the construction of buildings and the purchase of equipment, boats, and such other accessories as may be deemed necessary for the successful operation of such station. (April 28, 1922, c 153, § 1, 42 Stat 501)

This section, and the section next following, are an act entitled "An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce," cited above.

§ 908d. Same; personnel—In connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, at $2,500 per annum; to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, at $1,500 per annum; two field foremen, at $1,200 each per annum; four fish-culturists at large, at $960 each per annum; one engineer at large, at $1,200 per annum; one clerk, at $1,200 per annum; two coxswains at large, at $720 each per annum; and two apprentice fish-culturists, at $600 each per annum. (April 28, 1922, c. 153, § 2, 42 Stat. 501.)

See note to § 908c, ante.

Chapter G—The Census Office

§ 915. Officers and employés; additional—During the decennial census period, and no longer, there may be employed in the Census Office, in addition to the force provided for by the legislative, executive, and judicial appropriation Act for the fiscal year immediately preceding the decennial census period, an assistant director, who shall be an experienced practical statistician, a chief statistician, who shall be a person of known and tried experience in statistical work, a disbursing clerk; an appointment clerk, a private secretary to the director, four stenographers; eight expert chiefs of division, and ten statistical experts. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate. The chief statistician, the disbursing clerk, the appointment clerk, the chiefs of divisions, and the private secretary to the director shall be appointed without examination by the Secretary of Commerce upon the recommendation of the Director of the Census. The statistical experts and the stenographers shall be appointed in conformity with the civil service Act and rules: Provided, That whenever practicable women and honorably discharged soldiers and sailors shall be employed in the positions herein provided for. (March 3, 1919, c. 97, § 3, 40 Stat. 1292.)

This section is § 3 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. Section 34 of said act repeals Act July 2, 1909, c. 2, § 3, 36 Stat. 2, which was similar in its provisions to this section.

§ 916. Assistant Director; appointment clerk; disbursing clerk—The assistant director shall perform such duties as may be prescribed by the Director of the Census. In the absence of the director, the assistant director shall serve as director, and in the absence of the director and assistant director, the chief clerk shall serve as director.

The appointment clerk shall perform the duties assigned him by the Director of the Census. The disbursing clerk of the Census Office shall, at the beginning of the decennial census period, give bond to the Secretary of the Treasury in the sum of $100,000, surety to be approved by the Solicitor of the Treasury, which bond shall be conditioned that the said officer shall render, quarter yearly, a true and faithful account to the proper accounting officers of the Treasury of all moneys and properties which shall be received by him by virtue of his office during the said decennial census period. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof. (March 3, 1919, c. 97, § 4, 40 Stat. 1292.)

This section is § 4 of an act entitled "An Act to provide for the fourteenth and subsequent decennial censuses," cited above. Section 34 of said act repeals Act July 2, 1909, c. 2, § 4, 36 Stat. 2, which was similar in its provisions to this section.

§ 917. Compensation of officials during census period—During the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, $7,500; the assistant director, $5,000; the chief clerk and three chief statisticians for the divisions of population, manufactures, and agriculture, respectively, $4,000 each; three other chief statisticians for the divisions of vital statistics and statistics of cities, and the chief statistician provided for in section three of this Act, $3,600 each; the geographer, $3,000; the disbursing clerk, $3,000; the appointment clerk, $2,750; the chiefs of division, $2,500 each; the private secretary to the director, $2,250; the statistical experts, $2,000 each; and the stenographers provided for in section three of this Act $1,800 each. (March 3, 1919, c. 97, § 5, 40 Stat. 1292.)

This section is § 5 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. Section 34 of said act repeals Act July 2, 1909, c. 2, § 5, 36 Stat. 2, which was similar in its provisions to this section.

For current appropriation for the Bureau of the Census in accordance with the Classification Act of 1923, see Act Feb. 27, 1925, c. 364, title III, 43 Stat. 1037.

§ 918. Additional clerks and employés during census period—In addition to the force hereinbefore provided for and to that authorized by the legislative, executive, and judicial appropriation Act for the fiscal year immediately preceding the decennial census period, there may be employed in the Census Office during the decennial census period, and no longer, as many clerks with salaries at the rates of $1,800, $1,680, $1,560, $1,440, $1,380, $1,320, $1,260, $1,200, $1,140, $1,080, $1,020, $960, and $900, one engineer at $1,200, and two photostat operators, at $1,200 each; as many skilled laborers, with salaries at the rate of not less than $720 nor more than $1,000 per annum; and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: Provided, That the total number of such additional clerks with salaries at the rate of $1,440 or more per annum shall at no time exceed one hundred and fifty. Provided further, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the director. (March 3, 1919, c. 97, § 6, 40 Stat. 1292.)

This section is a part of § 6 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. The remainder of said section 6 is set forth post, § 3714a. Section 31 of said act repeals Act July 2, 1909, c. 2, § 6, 36 Stat. 2, which was similar in its provisions to this section.

§ 919. Same; examinations; selections—The additional clerks and other employees provided for by section six shall be subject to such special test examinations as the Director of the Census may prescribe, subject to the approval of the United States Civil Service Commission, these examinations to be conducted by the United States Civil Service Commission, to be open to all applicants without regard to political party affiliations, and to be held at such places in each State as may be designated by the Civil Service Commission. Certifications shall be made by the Civil Service Commission upon request of the Director of the Census from the eligible registers so established, in conformity with the law of apportionment as now provided for the classified service, and selections therefrom shall be made by the Director of the Census, in the order of rating: Provided, That the requirement as to conformity with the law of apportionment shall not apply to messenger boys, unskilled laborers, and charwomen: * * And provided further, That when the exigencies of the service require, the director may appoint for temporary employment not exceeding six months' duration from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint for not exceeding six months' duration persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil-service examination: And provided further, That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial

census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions in any department held by them at date of transfer to the Census Office without examination, but no employee so transferred shall within one year after such transfer receive higher salary than he is receiving at the time of the transfer: And provided further, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section six of this Act: And provided further, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this Act shall terminate, and such officers and employees shall not be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this Act: And provided further, That in the selection of the additional clerks and employees provided for by section six the Director of the Census is authorized to use, so far [as] is practicable, the reemployment registers established by Executive order of November twenty-ninth, nineteen hundred and eighteen, so far as the same applies to permanent appointments by competition. (March 3, 1919, c 97, § 7, 40 Stat 1293)

This section is a part of § 7 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. The remainder of said section 7 is set forth post, § 3284 Section 34 of said act repeals Act July 2, 1909, c 2, § 7, 36 Stat 3, which was similar in its provisions to this section

§ 920a. Suspension of other work during decennial census period—The Secretary of Commerce is authorized, in his discretion, to suspend during the decennial census period such work of the Census Office, other than the Fourteenth Census, as he may deem advisable. (March 3, 1921, c 124, § 1, 41 Stat 1297.)

From the legislative, executive, and judicial appropriation act for the year 1922, cited above. The same provision is contained in prior acts.

Chapter H—The Bureau of Standards

§ 923a. Transfer of funds to Bureau by other Departments for scientific investigations—During the fiscal year 1926 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Standards on scientific investigations within the scope of the functions of that bureau, and which the Bureau of Standards is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Commerce, transfer to the Bureau of Standards such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts, shall be placed to the credit of the Bureau of Standards for the performance of work for the department or establishment from which the transfer is made. (March 28, 1922, c. 117, title I, 42 Stat. 479 Jan. 5, 1923, c. 24, title I, 42 Stat. 1119. May 28, 1924, c. 204, title III, 43 Stat. 233. Feb. 27, 1925, c. 364, title III, 43 Stat 1043.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 925.

For current appropriation for the Bureau of Standards in accordance with the Classification Act of 1923, see Act Feb. 27, 1925, c. 364, title III, 43 Stat. 1039

TITLE XII B—THE DEPARTMENT OF LABOR

Chapter A—The Department and the Secretary of Labor

§ 932.

For current appropriation for the office of the Secretary of Labor—Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title IV, 43 Stat 1048

Salary of Secretary of Labor fixed at $15,000 per annum See ante, § 36

§ 933a. Second Assistant Secretary of Labor; appointment; salary; duties—There shall be in the Department of Labor an additional Secretary, who shall be known and designated as Second Assistant Secretary of Labor He shall be appointed by the President and shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of the Assistant Secretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes, unless otherwise directed by the President, as provided by section 179, Revised Statutes. (June 30, 1922, c 254, § 1, 42 Stat. 766)

This section, and the section next following, are §§ 1 and 2 of an act entitled "An act creating the positions of Second Assistant Secretary and private secretary in the Department of Labor," cited above Section 3 of said act makes an appropriation for the salaries of the officers created for the year 1922 and 1923

§ 933b. Private secretary to second assistant secretary; salary—There shall be in the Department of Labor one private secretary to the Second Assistant Secretary of Labor at a salary of $2,100 a year. (June 30, 1922, c. 254, § 2, 42 Stat 766)

See note to § 933a, ante.

§ 936a. Care, maintenance, etc., of Department of Labor building transferred to superintendent of State, War, and Navy buildings—Department of Labor Building The responsibility for the care, maintenance, and protection of the building or buildings occupied by the Department of Labor in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1923, from the Secretary of Labor to the Superintendent of the State, War, and Navy Department Buildings. (Feb. 13, 1923, c. 72, 42 Stat. 1239)

From the Executive office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above

For change in the office of the superintendent of the State, War, and Navy Departments Building see post, §§ 3329f-3329k.

§ 940.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title IV, 43 Stat. 1048, contains the following "Commissioners of conciliation To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor, and to appoint commissioners of conciliation, for per diem in lieu of subsistence at not exceeding $4 traveling expenses, and not to exceed $11,800 for personal services in the District of Columbia, and telegraph and telephone service, $198,720,"

Chapter B—The Bureau of Labor Statistics

§ 947.

For current appropriation for the Bureau of Labor Statistics in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title IV, 43 Stat 1048

§ 953a. National employment offices—To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, including juniors legally employed, to improve their working conditions, to advance their opportunities for profitable employment by regularly collecting, furnishing, and publishing employment information as to opportunities for employment; maintaining a system for clearing labor between the several States; cooperating with and coordinating the public employment offices throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and miscellaneous expenses. * * (March 28, 1922, c 117, title II, 42 Stat 489 Jan. 5, 1923, c 24, title II, 42 Stat. 1129 May 28, 1924, c 204, title IV, 43 Stat. 242. Feb. 27, 1925, c. 364, title IV, 43 Stat. 1051)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provisions are contained in prior acts.

Chapter C—The Bureau of Immigration

§ 955.

For current appropriation for the Bureau of Immigration in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c 364, title IV, 43 Stat 1049.

§ 955a. Assistant Commissioner General—Bureau of Immigration. * * Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500. * * (March 28, 1922, c. 117, title II, 42 Stat. 486 Jan. 5, 1923, c. 24, title II, 42 Stat. 1127.)

From the Commerce and Labor Departments appropriation act for the year 1924, cited above The same provision is contained in prior acts, but it is omitted in the subsequent Departments of State and Justice, Judiciary, and Departments of Labor and Commerce appropriation acts

§ 959a. Arrest without warrant of aliens by employees of Bureau of Immigration—Hereafter any employee of the Bureau of Immigration authorized so to do under regulations prescribed by the Commissioner General of Immigration with the approval of the Secretary of Labor, shall have power without warrant (1) to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their right to admission to the United States, and (2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought in to the United States, and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens. (Feb. 27, 1925, c. 364, title IV, 43 Stat 1049)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above

§ 960a. Motor vehicles—The purchase, exchange, use, maintenance, and operation of motor vehicles, and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe * * (March 28, 1922, c. 117, title II, 42 Stat 487 Jan. 5, 1923, c. 24, title II, 42 Stat 1127 May 28, 1924, c. 204, title IV, 43 Stat. 240 Feb 27, 1925, c 364, title IV, 43 Stat 1049)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provision is contained in prior acts

Chapter D—The Bureau of Naturalization

§ 961.

For current appropriation for the Bureau of Naturalization in accordance with the Classification Act of 1923, see Act Feb 27, 1925, c. 364, title IV, 43 Stat. 1050

Chapter E—The Children's Bureau

See post, §§ 9188½-9188½m

§ 965.

For current appropriation for the Children's Bureau in accordance with the Classification Act of 1923, see Act Feb. 27, 1925, c 364, title IV, 43 Stat 1050.

Chapter F—The Women's Bureau

§ 967½. Bureau established—There shall be established in the Department of Labor a bureau to be known as the Women's Bureau. (June 5, 1920, c. 248, § 1, 41 Stat. 987.)

This section, and the four sections next following, are §§ 1-5 of an Act entitled "An act to establish in the Department of Labor a bureau to be known as the Women's Bureau," cited above Section 6 of said act provides that the act shall be in force from and after the passage thereof

For current appropriation for the Women's Bureau, see Act Feb 27, 1925, c 364, title IV, 43 Stat 1051.

§ 967½a. Director of Bureau; appointment; salary; powers and duties of bureau—The said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe. (June 5, 1920, c. 248, § 2, 41 Stat. 987.)

See note to § 967½, ante

§ 967½b. Assistant director of Bureau; appointment; salary; duties—There shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of $3,500 and shall perform such duties as shall be prescribed by the director and approved by the Secretary of Labor. (June 5, 1920, c. 248, § 3, 41 Stat. 987.)

See note to § 967½, ante.

§ 967½c. Employés of Bureau; compensation—There is hereby authorized to be employed by said bureau a chief clerk and such special agents, assist-

ants, clerks, and other employees at such rates of Compensation and in such numbers as Congress may from time to time provide by appropriations. (June 5, 1920, c. 248, § 4, 41 Stat. 987)

See note to § 967½, ante

§ 967½d. Quarters for Bureau—The Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture and equipment, for the work of this bureau. (June 5, 1920, c 248, § 5, 41 Stat. 987)

See note to § 967½, ante.

TITLE XII BB—THE UNITED STATES VETERANS' BUREAU

This title consisted of Act Aug 9, 1921, c 57, title I, 42 Stat. 147, entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and further to amend and modify the War Risk Insurance Act," Res Aug 24, 1921, c 93, 42 Stat 202, changing the name of the Veterans' Bureau to United States Veterans' Bureau, four provisions of Act June 12, 1922, c 218, 42 Stat 649, 650, Res. June 26, 1922, c 242, 42 Stat 666, two provisions of Act Feb. 13, 1923, c. 72, 42 Stat 1243, 1244, and two provisions of Act June 7, 1924, c 292, § 1, 43 Stat. 531, 533. Said Act Aug 9, 1921, c 57, title I is repealed by section 601 of Act June 7, 1924, c 320, 43 Stat 629 Said repealing section reads as follows

"The following acts are hereby repealed The sections of this codification hereon applicable thereto shall be in force in lieu thereof, subject to the limitations contained in this title

"(1) The War Risk Insurance Act as amended

"(2) The Vocational Rehabilitation Act as amended

"(3) The Act entitled 'An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act'"

Said repeal, as above noted, is a part of the consolidation, codification, revision, and reenactment of the laws relating to the United States Veterans' Bureau, the War Risk Insurance, and Vocational Rehabilitation, by Act June 7, 1924, c 320, which is set forth post, as §§ 9127½—1 to 9127½—605

The other acts and parts of acts noted above are superseded and impliedly repealed by said Act June 7, 1924, c 320, post, §§ 9127½—1 to 9127½—605

§§ 967¼-967¼g. [Repealed and superseded]

See note at the beginning of this title.

TITLE XII C—THE JUDICIAL CODE

Act Feb. 13, 1925, c 229, 43 Stat. 936, entitled "An act to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes," is of prime importance to all practitioners in the Federal Courts, making, as it does, vital changes in the laws previously in force. Said act is set forth in this Pamphlet Supplement to the United States Compiled Statutes as indicated below

Section 1 amends sections 128, 129, 237, 238, 239, 240, and 266 of the Judicial Code "as now existing," and is set forth post as §§ 1120, 1121, 1214, 1215, 1216, 1217, and 1243.

Section 2 provides for certification of questions of law to the Supreme Court by Circuit Courts of Appeals and the Court of Appeals of the District of Columbia, in certain cases, and also provides for the issue of writs of certiorari by the Supreme Court to the Circuit Courts of Appeals and the Court of Appeals of the District of Columbia in certain cases. It is set forth post as § 1217a

Section 3 provides for the certification of questions of law by the Court of Claims to the Supreme Court, and for the issue of the writ of certiorari by the Supreme Court to the Court of Claims It is set forth post as § 1172a

Section 4 provides for the review of judgments of the District Courts in claims cases. It is set forth post as § 1120aa.

Section 5 relates to the appellate and supervising jurisdiction of the Court of Appeals of the District of Columbia in bankruptcy proceedings. It is set forth post as § 9609a

Section 6 relates to review in habeas corpus proceedings. It is set forth post as § 1290c

Section 7 provides for the issue of the writ of certiorari by the Supreme Court to the Supreme Court of the Philippine Islands in certain cases It is set forth post as § 1225c

Section 8, paragraphs (a, b) relate to the time of taking appeals, writs of error, or certiorari to the Supreme Court, paragraph (d) provides for stay of proceedings in cases removed to the Supreme Court by certiorari. They are set forth post as § 1128b, paragraph (c) prescribes the time within which cases may be taken to the Circuit Courts of Appeals for review It is set forth post as § 1126b

Section 9 provides how the amount in controversy may be proved, when such amount is essential to the appellate jurisdiction of the Circuit Courts of Appeals or the Supreme Court It is set forth post as § 1126c

Section 10 prohibits the dismissal of an appeal or writ of error because the wrong remedy was used. It is set forth post as § 1649b

Section 11 relates to the survival of actions to which certain officers are parties It is set forth post as § 1594a

Section 12 limits the jurisdiction of District Courts It is set forth post as § 991d

Section 13 is the repealing section It expressly repeals the following acts and parts of acts

Sections 130, 131, 133, 134, 181, 182, 236, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, and 252 of the Judicial Code. See post sections 1122, 1123, 1125, 1172, 1173, 1213, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229

Sections 2, 4, and 5 of Act Jan. 28, 1915, c 22, See post, §§ 1120, 1126a, 1215, 1223, 1120a, and 1223a

Sections 2, 3, 4, 5, and 6 of Act Sept 6, 1916, c. 448 See post, §§ 1214, 1120a, 1649a, 1225b, and 1228a

Section 27 of Act Aug 29, 1916, c 416 See post, § 1225a.

So much of sections 4, 9, and 10 of Act March 3, 1887, c. 359, as provide "for a review by the Supreme Court on writ of error or appeal in the cases therein named" See post, §§ 1574, 1172, and 1578

So much of Act March 10, 1908, c 76, "as permits a direct appeal to the Supreme Court" in habeas corpus proceedings See post, § 1293

So much of sections 24 and 25 of the Bankruptcy Act of July 1, 1898 (Act July 1, 1898, c 541, §§ 24, 25), "as regulate the mode of review by the Supreme Court in the proceedings, controversies, and cases therein named" See post, §§ 9608, 9609

So much of the act providing a civil government for Porto Rico (Act March 2, 1917, c 145, § 43), "as permits a direct review by the Supreme Court of cases in the courts in Porto Rico." See post, § 3803rr.

So much of the Hawaiian Organic Act (Act April 30, 1900, c 339, § 86), 'as permits a direct review by the Supreme Court of cases in the courts in Hawaii" See post, § 3727.

So much of section 9 of Act Aug 24, 1912, c. 390 (government of the Canal Zone), "as designates the cases in which, and the courts by which, the judgments and decrees of the District Court of the Canal Zone may be reviewed" See post, § 10045.

Sections 763 and 764 of the Revised Statutes See post, §§ 1290a, 1290b

Act March 3, 1885, c. 353, amending R. S. § 764 See post, § 1290b

Act Feb 8, 1899, c. 121 See post, § 1594

Act Feb. 17, 1922, c. 54, amending Jud Code, § 237. See post, § 1214

Act Sept. 14, 1922, c. 305, amending the Judicial Code, by adding thereto § 238 [a]. See post, § 1215a.

Said § 13 also contains a general repealing clause as follows. "All other acts and parts of acts in so far as they are embraced within and superseded by this act or are inconsistent therewith."

Section 14 reads as follows· "That this act shall take effect three months after its approval, but it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect"

Chapter One—District Courts—Organization

§ 9681. District judges; additional for northern district of Texas—That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the northern judicial district of the State of Texas, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district (Feb. 26, 1919, c. 50, § 1, 40 Stat. 1183)

This section, and the section next following, are an act entitled "An act providing for the appointment of

an additional district judge for the northern judicial district of the state of Texas," cited above.

§ 968j. Same; vacancy in office for northern district of Texas—Whenever a vacancy shall occur in the office of the district judge for the northern district of Texas senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district. (Feb. 26, 1919, c 50, § 2, 40 Stat 1183)

See note to § 968i, ante

§ 968k. Same; additional for North Dakota; appointment; powers and duties; compensation and allowances—The President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the District Court of the United States for the judicial district of the State of North Dakota, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority. (June 25, 1921, c 29, § 1, 42 Stat. 66)

This section, and the section next following, are an act entitled "An act authorizing the appointment of an additional judge for the district of North Dakota," cited above

§ 968l. Same; vacancy in office of senior judge not to be filled—Whenever a vacancy shall occur in the office of the district judge for the district of North Dakota, by the retirement, disqualification, or death of the judge senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district (June 25, 1921, c 29, § 2, 42 Stat 67)

See ante, note to § 968k.

§ 968m. Same; additional for southern district of West Virginia; appointment; powers and duties; compensation and allowances—The President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the southern judicial district of the State of West Virginia, who shall possess the same powers, perform the same duties, and receive the same compensation and allowance as the present judge of said district, and the judge so appointed shall be held and treated as the senior judge and shall exercise such powers and perform such duties in that judicial district as may be incident to seniority. (June 25, 1921, c. 30, § 1, 42 Stat 67)

This section, and the section next following, are an act entitled "An act for the appointment of an additional district judge for the southern judicial district of the State of West Virginia," cited above.

§ 968n. Same; vacancy in office of senior judge for southern district not to be filled—Whenever a vacancy shall occur in the office of the district judge for the southern district of West Virginia senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district. (June 25, 1921, c 30, § 2, 42 Stat 67)

See ante, note to § 368m.

§ 968o. Same; additional for certain districts; vacancies; residence—That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania one; for the northern district of Texas, one, for the southern district of Florida, one, for the eastern district of Michigan, one for the northern district of Ohio, one; for the middle district of Tennessee, one, for the northern district of Illinois, one; for the eastern district of Illinois, one, for the district of Minnesota, one, for the eastern district of Missouri, one, for the western district of Missouri, one, for the eastern district of Oklahoma, one, for the district of Montana, one, for the northern district of California, one; for the southern district of California, one, for the district of New Mexico, one; and for the district of Arizona, one.

A vacancy occurring more than two years after the passage of this Act, in the office of any district judge appointed pursuant to this Act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide Provided, however, That in case a vacancy occurs in the district of New Mexico at any time after the passage of this Act, there shall thereafter be but one judge for said district until otherwise provided by law.

Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed. (Sept 14, 1922, c 306, § 1, 42 Stat. 837.)

This section is section one of an act entitled "An act for the appointment of an additional circuit judge for the Fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," cited above Section 2 of this act is set forth post, as § 1113a, section 3 amends § 980, post, section 4 amends § 982, post, section 5 amends § 985, post, section 6 amends § 1109 post, and section 7 repeals all inconsistent laws or parts of laws

§ 968p. Same; additional for western district of Michigan; appointment; compensation, duties, and powers—That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Western District of Michigan, whose compensation, duties, and powers shall be the same as now provided by law for other district judges, and said judge shall be held and treated as if senior in commission to the present judge of said court, and shall exercise such powers and perform such duties as by law may be incident to seniority. (Feb. 17, 1925, c. 254, § 1, 43 Stat. 949.)

This section and the section next following are an act entitled "An act to provide for an additional district judge for the western district of Michigan," cited above.

§ 968q. Same; vacancy not to be filled—The present district judge for the western district of Michigan shall be held and treated as if junior in commission, and upon the death, resignation, or retirement of the present district judge for the western district of Michigan the vacancy caused by such death, resignation, or retirement of the said present judge shall not be filled. (Feb. 17, 1925, c. 254, § 2, 43 Stat. 949.)

See note to § 968p, ante.

§ 968r. Same; additional judge for district of Minnesota; appointment—That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint a judge to fill a vacancy created in the District Court of the United States for the District of Minnesota, occasioned by the death of Honorable John F. McGee, who was appointed as an additional judge in said district under the provisions of the Act of Congress entitled "An Act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an

annual conference of certain judges, and for other purposes," approved September 14, 1922. (March 2, 1925, c. 397, § 1, 43 Stat 1098)

This section, and the two sections next following, are §§ 1-3 of an act entitled "An act to create an additional judge in the district of Minnesota," cited above Section 4 of said act provides that the act shall take effect immediately.

§ 968s. Same; vacancy not to be filled—A vacancy occurring more than two years after the passage of this Act in the office of the district judge appointed pursuant to this Act shall not be filled unless Congress shall so provide. (March 2, 1925, c. 397, § 2, 43 Stat 1098.)

See note to § 968r, ante

§ 968t. Same; residence; compensation; powers—The judge appointed hereunder shall reside in said district and his compensation and powers shall be the same as now provided by law for the judge of said district (March 2, 1925, c. 397, § 3, 43 Stat. 1098.)

See note to § 968r, ante.

§ 969. (Jud. Code, § 2, amended.) District judges; salaries—Each of the district judges, including the judges in Porto Rico, Hawaii, and Alaska exercising Federal jurisdiction, shall receive a salary of $7,500 a year, to be paid in monthly installments (Feb. 12, 1903, c. 547, 32 Stat 825 March 3, 1911, c. 231, § 2, 36 Stat. 1087. Feb. 25, 1919, c. 29, § 1, 40 Stat 1156.)

This section was amended by Act Feb 25, 1919, c 29, § 1, cited above, by inserting, after the words "district judges," the words "including the judges in Porto Rico, Hawaii, and Alaska exercising Federal jurisdiction," and by increasing the annual salary from $6,000 to $7,500 Section 7 of said Act Feb. 25, 1919, c 29, provides that the act shall take effect and be in force on and after the first day of the month next following its approval

Section 3 of said Act Feb 25, 1919, c 29, provides that "the judges of the Supreme Court of the District of Columbia shall receive salaries the same as salaries provided by this act to be paid to judges of the district courts of the United States, and such salaries shall be paid as now provided by law."

§ 972.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c. 364, title II, 43 Stat 1030, contains the following provision

"For bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York, and the northern district of Illinois."

§ 972a. Criers and bailiffs; actual attendance—All persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts, but no such person shall be employed during vacation (June 1, 1922, c. 204, title II, 42 Stat. 617. Jan. 3, 1923, c 21, title II, 42 Stat. 1084. May 28, 1924, c. 204, title II, 43 Stat. 221)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1925, cited above The same provision is contained in prior acts This provision is, however, omitted from the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926

For R. S § 715 see U S Comp St 1918, § 972.

§ 972b. Per diem of bailiffs and criers—No per diem shall be paid to any bailiff or crier unless the court is actually in session and the judge present and presiding or present in chambers. (Feb. 27, 1925, c. 364, title II, 43 Stat. 1030)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above.

§ 980. (Jud. Code, § 13, amended.) Disability of judge; designation of another judge—Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: Provided, however, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned (R. S § 591. March 4, 1907, c. 2940, 34 Stat. 1417. March 3, 1911, c 231, § 13, 36 Stat. 1089. Sept 14, 1922, c 306, § 3, 42 Stat 839.)

For this section, prior to its amendment by Act Sept. 14, 1922, c 306, § 3, see U S Comp St. 1918, § 980 See, also, note to § 968o, ante

§ 982. (Jud. Code, § 15, amended.) Holding court by designated judge—Each district judge designated and assigned under the provisions of Section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein. (R. S § 593 March 3, 1911, c. 231, § 15, 36 Stat. 1089. Sept 14, 1922, c. 306, § 4, 42 Stat. 839.)

For this section prior to its amendment by Act Sept 14, 1922, c 306, § 4, see U. S. Comp St 1918, § 982 See, also, note to § 968o, ante

§ 985. (Jud. Code, § 18, amended.) Circuit judge designated to hold district court—The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the Chief Justice of either of said courts.

During the period of service of any judge designated and assigned under this Act he shall have all the powers, and rights, and perform all the duties, of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): Provided, however, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

Any designated and assigned judge who has held

court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation (March 3, 1911, c 231, § 18, 36 Stat 1089 Oct. 3, 1913, c 18, 38 Stat 203 Sept 14, 1922, c 306, § 5, 42 Stat. 839.)

For this section prior to its amendment by Act Sept 14, 1922, c 306, § 5, see U. S. Comp St 1918, § 985. See, also, note to § 968o, ante

Chapter Two—District Courts—Jurisdiction

§ 991. (Jud. Code, § 24, amended.) Original jurisdiction.

(3) Admiralty causes, seizures, and prizes—Third Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States, which rights and remedies when conferred by such law shall be exclusive; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize Provided, That the jurisdiction of the district courts shall not extend to causes arising out of injuries to or death of persons other than the master or members of the crew, for which compensation is provided by the workmen's compensation law of any State, District, Territory, or possession of the United States. (R. S § 563, pars. 8, 9. § 629, par 6. March 3, 1911, c 231, § 24, par. 3, 36 Stat. 1091. Oct 6, 1917, c. 97, § 1, 40 Stat. 395. June 10, 1922, c. 216, § 1, 42 Stat. 634.)

This paragraph of this section was again amended by Act June 10, 1922, c. 216, § 1, 42 Stat 634, cited above, by striking out, after the words "is competent to give it," the words "and to claimants the rights and remedies under the workmen's compensation law of any State," and substituting therefor the words "and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States, which rights and remedies when conferred by such law shall be exclusive," and by adding the proviso, as set forth above

(20a) Suits for recovery of internal revenue taxes, etc., illegally or erroneously assessed or collected—Concurrent with the Court of Claims of any suit or proceeding commenced after the passage of the Revenue Act of 1921, for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or any sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws, even if the claim exceeds $10,000, if the collector of internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. (Nov. 23, 1921, c. 136, § 1310(c), 42 Stat 311, re-enacted, June 2, 1924, 4 01 p m, c. 234, § 1025(c), 43 Stat 348, and amended, Feb 24, 1925, c 309, 43 Stat 972)

This paragraph was added to § 24 of the Judicial Code by Act Nov 23, 1921, c 136, § 1310(c), cited above This paragraph, as so added was re-enacted without change by § 1025 (c) of the Revenue Act of 1924, cited above, and said § 1310(c) was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t The paragraph was again amended by Act Feb 24, 1925, c 309, 43 Stat 972, cited above, to read as set forth above

(26) Claims resulting from seizure of vessels for unlawful sealing in Bering Sea—That jurisdiction be, and it is hereby, conferred upon the United States District Court, Northern District of California, to hear and determine the claims of American citizens, their heirs and legal representatives, for damages or loss occasioned by or resulting from the seizure, detention, sale, or interference with their voyage by the United States of vessels charged with unlawful sealing in the Bering Sea and water contiguous thereto and outside of the three-mile limit during the years 1886 to 1896, inclusive, and to enter judgment therefor. (June 7, 1924, c. 308, § 1, 43 Stat. 595)

This section, and the two sections next following, are an act entitled "An act to confer jurisdiction upon the United States District Court, Northern District of California, to adjudicate the claims of American citizens," cited above

(27) Same; claims which may be submitted—All American citizens whose rights were affected by said seizure, detention, sale, or interference specifically referred to in section 1 hereof during the years 1886 to 1896, inclusive, may submit to the United States District Court in and for the Northern District of California their claims thereunder, and the court shall render judgment thereon. (June 7, 1924, c. 308, § 2, 43 Stat. 595.)

See note to § 991(26), ante.

(28) Same; limitations—Claims not presented within two years from the passage of this Act shall thereafter be forever debarred. (June 7, 1924, c. 308, § 3, 43 Stat. 595)

See note to § 991(26), ante.

§ 991a. Original jurisdiction of bills of interpleader by insurance companies; averments of bill—The district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader, duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of $500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next of kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court. (Feb. 22, 1917, c. 113, 39 Stat. 929, amended, Feb. 25, 1925, c. 317, §§ 1-3, 43 Stat. 976.)

This section, and the two sections next following, are an act entitled "An act to amend an act entitled 'An act to authorize insurance companies or associations and fraternal beneficiary societies to file bills of interpleader,' approved February 22, 1917." The original act contained but one section.

The amendatory act consists of three sections as set forth here, instead of one section as in original act.

§ 991b. Same; district having jurisdiction—In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides (Feb. 22, 1917, c. 113, amended, Feb. 25, 1925, c 317, §§ 1–3, 43 Stat. 976)

See note to § 991a, ante

§ 991c. Same; hearing; injunction; orders and decrees—Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same (Feb. 22, 1917, c 113, amended, Feb 25, 1925, c 317, §§ 1–3, 43 Stat. 976)

See note to § 991a, ante

§ 991d. Original jurisdiction; action or suit by or against corporation incorporated under act of Congress—No district court shall have jurisdiction of any action or suit by or against any corporation upon the ground that it was incorporated by or under an Act of Congress: Provided, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an Act of Congress wherein the Government of the United States is the owner of more than one-half of its capital stock. (Feb 13, 1925, c. 229, § 12, 43 Stat. 941)

This section is § 12 of an act entitled 'An act to amend the Judicial Code, and to further define the jurisdiction of the Circuit Courts of Appeals and of the Supreme Court, and for other purposes," cited above

Section 13 of said act repeals certain enumerated acts and parts of acts, and also repeals all other acts and parts of acts in so far as they are embraced within and superseded by said act or are inconsistent therewith.

Section 14 of said act provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

Chapter Three—District Courts—Removal of Causes

§ 1021a. Service of process after removal—Hereafter, in all cases removed from any State court to any United States court for trial in which any one or more of the defendants has not been served with process or in which the same has not been perfected prior to such removal, or in which the process served upon the defendant or defendants, or any of them, proves to be defective, such process may be completed by the United States court through its officers, or new process as to defendants upon whom process has not been completed may be issued out of such United States court, or service may be perfected in such court in the same manner as in cases which are originally filed in such United States court: Provided, Nothing in this Act shall be construed to deprive any defendant upon whom process is so served after removal, of his right to move to remand the cause to the State court, the same as if process had been served upon him prior to such removal. (April 16, 1920, c 146, 41 Stat. 554)

This section is an act entitled "An act providing for services of process in causes removed from a state or other court to a United States court"

Chapter Four—District Courts—Miscellaneous Provisions

§ 1033. (Jud. Code, § 51, amended.) Civil suits; arrests in; district where brought; effective period of amendment—Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant: Provided, however, That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants, being a necessary party, or being jointly, or jointly and severally, liable, is an inhabitant, or in any district wherein the cause of action or any part thereof arose, and in any such suit, action, or proceeding process, summons, or subpœna against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district, and service thereof upon any defendant may be made in any district within the United States or the territorial or insular possessions thereof in which any such defendant may be found with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought. The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia: Provided further, That this Act shall be effective for a period of four years after September 19, 1922, after which said section 51, chapter 4, as it exists in the present law shall be and remain in full force and effect. (R. S. § 739 March 3, 1875, c. 137, § 1, 18 Stat. 470. March 3, 1887, c. 373, § 1, 24 Stat. 552. Aug. 13, 1888, c. 866, § 1, 25 Stat. 433. March 3, 1911, c. 231, § 51, 36 Stat. 1101. Sept. 19, 1922, c. 345, 42 Stat. 849. March 4, 1925, c. 526, § 1, 43 Stat. 1264)

This section of the Judicial Code was amended by Act Sept. 19, 1922, c. 345, cited above, by adding all of the section, beginning with the first proviso It was again amended by Act March 4, 1925, c 526, § 1, also cited above, by changing the last proviso so as to make the section continue in force for four years from Sept. 19, 1922, instead of three years.

Chapter Five—District Courts—Districts, and Provisions Applicable to Particular States

§ 1052. (Jud. Code, § 70, amended.) Alabama—The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and

southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and Saint Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district, also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October, for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: Provided, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government, for the middle division, at Gadsden on the first Tuesdays in February and August. Provided, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: Provided, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district, also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first Mondays in April and November: Provided, That suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said divisions The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district, also the territory embraced in the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November, and for the northern division, at Selma on the second Mondays in January and July (R S. § 532 March 3, 1911, c 231, § 70, 36 Stat 1105 Feb 28, 1913, c 80, 37 Stat. 698. June 27, 1922, c 247, 42 Stat 667.)

For this section prior to its amendment by Act June 27, 1922, c 247, see U S Comp St 1918, § 1053.

§ 1056. (Jud. Code, § 71, amended.) Arkansas—(a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas

(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June, and for the Harrison division, at Harrison on the second Mondays in April and October.

(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence; and the western division, which shall include the territory embraced on such date in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for

the northern division at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October

(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena, Batesville, Jonesboro, and Little Rock Such offices shall be kept open at all times for the transaction of the business of the court. (March 3, 1911, c 231, § 71, 36 Stat. 1106 April 12, 1924, c 87, § 1, 43 Stat 90 Feb. 17, 1925, c 252, 43 Stat 948)

This section was amended by Act April 12, 1924, c 87, § 1, cited above, by dividing the western district into three divisions, and the eastern district into four divisions It was again amended by Act Feb 17, 1925, c 252, also cited above, by creating the El Dorado division in the western district Paragraph (e) of this amendatory act reads as follows "This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas" Accordingly that part of section 71 of the Judicial Code, as last amended (paragraphs e, f, g), which relates to the eastern district is inserted here in lieu of par (e) of this amendatory act

§ 1056a. [Repealed]

This section (Act Sept 9, 1914 c 295, 38 Stat 713) is repealed by Act April 12, 1924, c 87, § 2, 43 Stat 91.

§§ 1056b, 1056c. [Repealed]

These sections (Act March 4, 1915, c 179, §§ 1 2, 38 Stat 1193) are repealed by Act April 12, 1924, c. 87, § 2, 43 Stat 91

§ 1057a. California; quarters for district court of northern district—That the Secretary of the Treasury of the United States be, and he is hereby, authorized, empowered, and directed to cause to be provided and constructed in the post-office building in the city of Sacramento, California, quarters such as he may deem necessary and proper for the district court of the northern district of California, and its officers, at a cost not to exceed the sum of $60,000 (March 1, 1919, c. 89, 40 Stat 1271.)

This section is an act entitled "An act to provide for the fitting up of quarters in the post-office building at the city of Sacramento, California, for the accommodation of the district court of the northern district of California and its officers," cited above

§ 1058. (Jud. Code, § 73, amended.) Colorado; adjournment of terms; deputy marshals and clerks—The State of Colorado shall constitute one judicial district, to be known as the district of Colorado Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Sterling on the second Tuesday in June: Provided, That if at the time of the holding of a term of said court in any year in either of said cities of Grand Junction, Durango, and Sterling, Colorado, there is no business to be transacted by said court, the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colorado: Provided further, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this Act: Provided further, That suitable rooms and accommodations for holding court at Sterling are furnished free of expense to the United States. (June 26, 1876, c. 147, 19 Stat 61. March 3, 1911, c. 231, § 73, 36 Stat. 1108. June 12, 1916, c. 143, 39 Stat. 225. May 29, 1924, c. 209, 43 Stat. 243.)

For this section, prior to its amendment by Act May 29, 1924, c. 209, see U. S. Comp. St. 1918, § 1058.

§ 1059. (Jud. Code, § 74, as amended.) Connecticut—The State of Connecticut shall constitute one judicial district, to be known as the District of Connecticut. Terms of the district court shall be held at New Haven on the fourth Tuesdays in February and September, at Hartford on the fourth Tuesday in May and the first Tuesday in December, and at Norwalk on the fourth Tuesday in April. Provided, however, That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk free of expense to the government of the United States. (R S § 531 March 3, 1911, c. 231, § 74, 36 Stat. 1108 Feb. 27, 1921, c 74, 41 Stat. 1146.)

This section was amended by Act Feb 27, 1921, c 74, cited above, by the addition thereto of all of the section as set forth above, beginning with the words "and at Norwalk"

§ 1065. (Jud. Code, § 80, amended.) Indiana; divisions—The State of Indiana shall constitute one judicial district to be known as the district of Indiana For the purpose of holding terms of court the district shall be divided into seven divisions constituted as follows. The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph Rush, Shelby, Tipton, Union, and Wayne; the Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, Dekalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, La Porte, Marshall, Miami, Pulaski, Saint Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo, the Evansville division, which shall include the territory embraced within the counties of Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick, the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington. (R. S § 531 March 3, 1911, c 231, § 80, 36 Stat. 1110. Jan. 16, 1925, c 83, § 1, 43 Stat 751.)

This section, and the five sections next following, are an act entitled "An act to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes," cited above.

This section is, in effect, an amendment of § 80 of the Judicial Code, although it is not enacted as an express amendment.

§ 1065a. Same; terms of court—Except as hereinafter in this section provided terms of the district court for the Indianapolis division shall be held at Indianapolis on the first Mondays of May and November of each year; for the Fort Wayne Division, at Fort Wayne on the first Mondays of June and December of each year; for the South Bend division, at South Bend on the second Mondays of June and December of each year; for the Hammond division, at Hammond on the first Mondays of January and July of each year; for the Terre Haute division, at Terre Haute on the first Mondays of April and October of each year; for the Evansville division, at Evansville on the second Mondays of April and October of each year; for the New Albany division, at New Albany on the third Mondays of April and October of each

year. When the time fixed as above for the sitting of the court shall fall on a Sunday or a legal holiday, the term shall begin upon the next following day not a Sunday or a legal holiday. Terms of the district court shall not be limited to any particular number of days, nor shall it be necessary for any term to adjourn by reason of the intervention of a term of court elsewhere, but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded. (Jan 16, 1925, c. 83, § 2, 43 Stat. 751)

See note to § 1065, ante

§ 1065b. Same; additional district judge—That the President of the United States be, and is hereby, authorized and directed by and with the advice and consent of the Senate to appoint an additional district judge for the district of Indiana, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district. (Jan 16, 1925, c. 83, § 3, 43 Stat 752)

See note to § 1065, ante.

§ 1065c. Same; offices of clerk of court; deputy clerks—The clerk of the court for the district shall maintain an office in charge of himself or a deputy at Indianapolis, Fort Wayne, South Bend, Hammond, Terre Haute, Evansville, and New Albany. Such offices shall be kept open at all times for the transaction of the business of the court Each deputy clerk shall keep in his office full records of all actions and proceedings of the district court held at the place in which the office is located. (Jan. 16, 1925, c. 83, § 4, 43 Stat. 752)

See note to § 1065, ante.

§ 1065d. Same; grand and petit juries—A judge of the District Court for the District of Indiana may, in his discretion, cause jurors to be summoned for a petit jury in criminal cases, from the division in which the cause is to be tried or from an adjoining division, and cause jurors for a grand jury to be summoned from such parts of the district as he shall from time to time direct. A grand jury summoned to attend a term of such court may investigate, and find an indictment or make a presentment for, any crime or offense committed in the district, whether or not the crime or offense was committed in the division in which the jury is in session. (Jan. 16, 1925, c 83, § 5, 43 Stat. 752.)

See note to § 1065, ante.

§ 1065e. Same; change of venue from one division to another—Either party in a civil or criminal proceeding in said district may apply to the court in term or to a judge thereof in vacation for a change of venue from the division where a suit or proceeding has been instituted to an adjoining division and the court in its discretion, or the judge in his discretion, may grant such a change. (Jan 16, 1925, c. 83, § 6, 43 Stat. 752.)

See note to § 1065, ante.

§ 1066. (Jud. Code, § 81, amended.) Iowa—The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt. Webster, Winnebago. Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division, also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division

Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September, for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September, for the central division, at Fort Dodge on the second Tuesdays in June and November; and at Mason City on the fourth Tuesdays in June and November, and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district, also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district, also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district, also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district.

Terms of the district court for the eastern division shall be held at Keokuk on the fourteenth Tuesday after the second Tuesday in January and the eighth Tuesday after the third Tuesday in September; for the central division, at Des Moines on the fifteenth Tuesday after the second Tuesday in January and the tenth Tuesday after the third Tuesday in September, for the western division, at Council Bluffs on the second Tuesday after the second Tuesday in January and the second Tuesday after the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday after the third Tuesday in September and the second Tuesday in January; for the Davenport division, at Davenport on the twelfth Tuesday after the second Tuesday in January and the sixth Tuesday after the third Tuesday in September; and for the Ottumwa division, at Ottumwa on the first Tuesday after the second Tuesday in January and the third Tuesday in September.

The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa for the transaction of the business of said divisions. (R. S. § 537. March 3, 1911, c 231, § 81, 36 Stat 1111. March 3, 1913, c. 122, 37 Stat 734. Feb. 23, 1916, c. 32, 39 Stat. 12. April 27, 1916, c. 90, 39 Stat. 55. March 4, 1923, c. 250, 42 Stat. 1483. Jan. 28, 1925, c. 104, 43 Stat. 791.)

§ 1068a. Kentucky; terms of court in eastern district—Regular terms of the District Court of the United States for the Eastern District of Kentucky shall be held at the following times and places, namely:

At Jackson: Beginning on the first Monday in March and the third Monday in September in each year.

At Frankfort: Beginning on the second Monday in March and the fourth Monday in September in each year.

At Covington: Beginning on the first Monday in April and the third Monday in October in each year.

At Richmond: Beginning on the fourth Monday in April and the second Monday in November in each year.

At London: Beginning on the second Monday in May and the fourth Monday in November in each year.

At Catlettsburg Beginning on the fourth Monday in May and the second Monday in December in each year

At Lexington: Beginning on the second Monday in January and the second Monday in June in each year: Provided, That suitable rooms and accommodations for holding court at Lexington shall be furnished without expense to the United States

And at such other times and places as may hereafter be provided by law

The clerk of the court for the eastern district of Kentucky shall maintain an office in charge of himself, a deputy, or a clerical assistant, at each of the places of holding court within said district (Jan 29, 1920, c. 57, 41 Stat 400)

This is an act entitled "An act to amend the act establishing the Eastern district of Kentucky," cited above It supersedes in part § 83 of the Judicial Code (U S Comp. St 1918, § 1068).

§ 1070a. Maine; sessions—Hereafter, and until otherwise provided by law, two sessions of the United States District Court for the District of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December: Provided, however, That in the year 1923, the session of said court, at Bangor, beginning on the first Tuesday of November, shall be held in addition to the sessions in February and June, now provided for by law. (Sept. 8, 1916, c. 475, § 1, 39 Stat. 850, amended, March 4, 1923, c. 279, 42 Stat. 1506)

§ 1071a. Maryland; additional terms of court at Denton—Hereafter and until otherwise provided by law there shall be held annually on the third Monday in January and the first Monday in July terms of the district court of the United States for the district of Maryland, at the town of Denton, in said district, said terms to be in addition to the terms now required to be held in the city of Baltimore and the city of Cumberland in said district: Provided, That suitable accommodations for holding court at Denton are furnished free of expense to the United States. (March 3, 1925, c. 422, 43 Stat 1106.)

This section is an act entitled "An act to provide for terms of the United States district court at Denton, Maryland," cited above.

§ 1072. (Jud. Code, § 87, amended.) Massachusetts—The State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesday in May and December; and at New Bedford, on the first Tuesday in August Provided, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States. And provided further, That all writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield or New Bedford

The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place (R. S § 531 March 3, 1911, c 231, § 87, 36 Stat. 1114 May 1, 1922, c 173, 42 Stat. 503)

For this section prior to its amendment by Act May 1, 1922, c 173, see U S Comp St 1918, § 1072

§ 1076. (Jud. Code, § 90, amended.) Mississippi—The State of Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi The northern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district, also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalabusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. The terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the third Monday in April and the first Monday in December; and for the Delta division, at Clarksdale on the fourth Monday in January and the third Monday in October. The southern district shall include the territory embraced on the 1st day of December, 1923, in the counties of Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson Davis, Lawrence, Leake, Lincoln, Madison, Pike, Rankin, Simpson Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division, also the territory embraced on the date last mentioned in the counties of Adams, Claiborne, Humphreys, Issaquena, Jefferson, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, Pearl River, Stone, and Walthall, which shall constitute the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division at Vicksburg on the third Mondays in May and November; for the eastern division at Meridian on the third Mondays in March and September; and for the southern division at Biloxi on the third Monday in February and the first Monday in June. The clerk of the court for each district shall maintain an office in charge of himself, or a deputy, at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district (R. S. § 539. March 3, 1911, c. 231, § 90, 36 Stat. 1116. Feb. 5, 1912, c. 28, 37 Stat. 59. May

27, 1912, c. 136, 37 Stat. 118. Feb 12, 1925, c. 212, 43 Stat 882.)

This section was again amended by Act Feb. 12, 1925, c 212, cited above, to read as set forth above For this section prior to this amendment, see U S Comp. St 1918, § 1076.

§ 1077a. Missouri; terms of court for first division at Kansas City—After the passage of this Act the terms of the United States district court for the first division to be held at Kansas City, Kansas, shall be held at that city on the first Monday in October and the first Monday in December, instead of the dates fixed in the Act approved September 6, 1916. (June 7, 1924, c. 319, 43 Stat. 607.)

This section is an act entitled 'An act to designate the time and place of holding terms of the United States district court in the first division of the district at Kansas City," cited above

§ 1083. New Mexico—The State of New Mexico shall constitute one judicial district, to be known as the district of New Mexico

Terms of the district court shall be held at Santa Fé on the first Monday in March and September, at Albuquerque on the first Monday in June and December, at Roswell on the first Monday in May and October, at Las Cruces on the first Monday in November, at Silver City on the first Monday in January, at Las Vegas on the first Monday in February, and at Raton on the first Monday in April: Provided, That if at the time of the holding of the terms of said court in any year in the cities or towns of Las Vegas, Las Cruces, Silver City, or Raton there is insufficient business to justify the holding of any such term the same may be adjourned or continued by order of the judge of said court made at any place in the district: And provided further, That terms of court at Silver City, town of Las Vegas, and Raton shall not be held unless facilities therefor are furnished by the county of Grant at Silver City, the county of San Miguel at town of Las Vegas, and the county of Colfax at Raton, without cost and expense to the United States, until such time as court rooms and other necessary facilities have been constructed by the United States.

Causes, civil and criminal, may be transferred by the court or either judge thereof from any of the aforesaid places where court shall be held in said district to any of the places hereinabove mentioned in said district whenever in the opinion of the court or judge the convenience of the parties or the ends of justice would be promoted by the transfer.

That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the cities of Albuquerque and Roswell, and the marshal and the clerk of said court may each, respectively, with the approval of the Attorney General, appoint one deputy at each of the cities of Las Cruces, Silver City, Raton, and the town of Las Vegas: Provided, That upon completion of the Federal building in the city of Las Vegas, the court shall be transferred to and held in the city of Las Vegas instead of the town of Las Vegas and court at the latter place discontinued. (June 7, 1924, c. 332, 43 Stat 642.)

This section is an act entitled "An act designating the State of New Mexico as a judicial district, fixing the time and place for holding terms of court therein, and for other purposes," cited above It supersedes Act June 10, 1910, c 310, § 13, 36 Stat 565, as amended by Act March 4, 1921, c. 149, 41 Stat. 1361.

§ 1084. (Jud. Code, § 97, amended.) New York—The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof Terms of the district court for said district shall be held at Albany on the second Tuesday in February, at Utica on the first Tuesday in December, at Binghamton on the second Tuesday in June, at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April, and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Schenectady, Rensselaer, Saratoga, Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin, as he may from time to time appoint. Provided, That suitable accommodations for holding court at such appointed place be furnished free of expense to the United States Such appointment shall be made by notice of at least twenty days, published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters, all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions, and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of his court; and in such cases such judge shall have the same powers as are vested in the resident judge. (R. S §§ 541, 542. May 12, 1900, c. 391, 31 Stat 175. March 3, 1911, c. 231, § 97, 36 Stat. 1119. Jan. 21, 1920, c. 50, 41 Stat. 394. July 1, 1922, c. 260, 42 Stat. 812.)

The amendment to this section by Act Jan. 21, 1920, c. 50, cited above, consisted in providing for the holding of an annual term of court in Rensselaer County in the Northern district.

This section was again amended by Act July 1, 1922, c. 260, 42 Stat. 812, cited above, to read as set forth above. This last amendment consists in adding Schenectady to the list of cities in the northern district at which annual

terms of court are to be held annually, and by adding the proviso relating to the supplying of suitable accommodations for holding court at such cities

§ 1085. (Jud. Code, § 98, amended.) North Carolina—The state of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson Terms of the district court for the eastern district shall be held at Fayetteville on the Monday before the last Mondays in March and September, at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October, at Newbern on the fourth Mondays in April and October, at Wilmington on the second Monday after the fourth Mondays in April and October, and at Raleigh on the fourth Monday after the fourth Mondays in April and October, and in addition for the trial of civil cases on the first Mondays in March and September Provided, That the city of Fayetteville and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Fayetteville and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.

That terms of the District Court of the United States for the Western District of North Carolina shall be held in each and every year in the town of Shelby, North Carolina: Provided, That suitable accommodations for holding court at Shelby are furnished free of expense to the United States. (R. S. § 543. March 3, 1911, c. 231, § 98, 36 Stat. 1120. Oct. 7, 1914, c. 318, 38 Stat. 728. March 17, 1920, c. 101, § 1, 41 Stat 531. June 7, 1924, c 359, § 1, 43 Stat. 661 Dec 24, 1924, c. 18, 43 Stat 721)

This section was again amended by Act March 17, 1920, c 101, § 1, cited above, by changing the time for the holding of terms of court at Laurinburg from the "last Mondays in March and September" to the "Monday before the last Mondays in March and September," and by providing for additional terms of court at Raleigh "for the trial of civil cases on the first Mondays in March and September" The section was again amended by Act June 7, 1924, c 359, § 1, also cited above, by providing for terms of court at Fayetteville in the eastern district on the Monday before the last Mondays in March and September, by omitting the provision for terms of court at Laurinburg in the eastern district, by omitting the requirement that the cities of Washington and Laurinburg shall provide places for holding court, by requiring the city of Fayetteville to provide a suitable place for holding court, by omitting the requirement that the clerk of the court shall maintain an office at Laurinburg, and by requiring the clerk of the court to maintain an office at Fayetteville The section was again amended by Act Dec 24, 1924, c 18, also cited above, to read as set forth above

§ 1085a. [Repealed]

This section (Act April 27, 1916, c 91, 39 Stat 56) was repealed by Act March 17, 1920, c 101, § 2, 41 Stat 532, and by Act June 7, 1924, c. 359, § 2, 43 Stat 662

§ 1087. (Jud. Code, § 100, amended.) Ohio—The State of Ohio is divided into two judicial districts to be known as the northern and southern districts of Ohio The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division, also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April and October, and at Youngstown on the first Tuesday after the first Monday in March Terms of the district court for the western division shall be held at Toledo on the last Tuesday in April and October, and at Lima, if in the opinion of the court the public convenience so requires, on the first Tuesday after the first Monday in September: Provided, That suitable accommodations for holding court at Lima be furnished free of expense to the United States.

Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Grand and petit jurors summoned for service at a term of court to be held at Toledo may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Lima.

Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Crimes and offenses committed in the western division shall be cognizable at the terms held at Toledo or at Lima, as the court may direct.

Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. Any suit brought in the western division may, in the discretion of the court, be tried at the term held at Lima.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shel-

by, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district.

Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October, and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and September. Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus, or at Steubenville, as the court may direct Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville: Provided, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building. And provided further, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton (March 3, 1911, c. 231, § 100, 36 Stat. 1121. March 4, 1915, c. 159, 38 Stat. 1187. Feb 14, 1923, c. 78, 42 Stat 1246.)

For this section prior to its amendment by Act Feb 14, 1923, c 78, see U. S Comp. St 1918, § 1087.

§ 1088. (Jud. Code, § 101, amended.) Oklahoma—The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Okfuskee, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, and at Bartlesville on the first Monday in June in each year: Provided, That suitable rooms and accommodations for holding court at Pawhuska, and Bartlesville are furnished free of expense to the United States. The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: Provided, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, and Pauls Valley are furnished free of expense to the United States. The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward The terms of the district court for the western district shall be held at Guthrie on the first Monday in January, at Oklahoma City on the first Monday in March, at Mangum on the first Monday in April, at Enid on the first Monday in June, at Lawton on the first Monday in September, and at Woodward on the first Monday in November in each year: Provided, That suitable rooms and accommodations for holding court at Mangum and Woodward are furnished free of expense to the United States. The clerk of the district court for the northern district shall keep his office at Tulsa, the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore, the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City. (June 16, 1906, c. 3335, §§ 13, 14, 34 Stat. 275. March 3, 1911, c. 231, § 101, 36 Stat. 1122. Feb. 20, 1917, c. 102, 39 Stat. 927. June 13, 1918, c. 98, 40 Stat 604 June 5, 1924, c. 259, 43 Stat. 387. Feb. 16, 1925, c. 233, § 1, 43 Stat. 945.)

This section was again amended by Act June 5, 1924, c. 259, cited above, by providing for a term of court at Ada in the eastern district on the first Monday in December, and by requiring court accommodations to be furnished at Ada. This section was again amended by Act Feb 16, 1925, c 233, cited above, to read as set forth above Sections 1088a-1088e, post, are §§ 2-6 of said Act Feb. 16, 1925, c. 233

This section supersedes Res Feb. 26, 1916, c. 54, 40 Stat 1184, providing for the holding of a term of court at Hugo, Act Jan 10, 1925, c 68, 43 Stat 730, providing for the holding of a term of court at Pauls Valley, and Act Jan. 10, 1925, c 69, 43 Stat 731, providing for the holding of a term of court at Poteau.

§ 1088a. Same; assignment of judges to district; jurisdiction, etc.—The present senior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this Act. That the present judge of the western district of Oklahoma be, and he is hereby, assigned to hold said court in the western district of Oklahoma, and shall exercise the same jurisdiction and perform the same duties as he exercised and performed within his district prior to the passage of this Act. That the present junior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said northern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this Act. Each of said judges and courts shall in other respects have all the power and authority, civil, criminal, equitable, or otherwise, which is conferred by law generally upon the district courts of the United States and the judges thereof. (Feb. 16, 1925, c. 233, § 2, 43 Stat. 946.)

This section, and the four sections next following, are §§ 2-6 of an act entitled "An act to amend section 101 of the Judicial Code as amended," cited above. Section 1 of this act amends § 1088, ante.

§ 1088b. Same; appointment of judge for northern district—The President, by and with the advice and consent of the Senate, shall appoint for

said northern district of Oklahoma a district judge upon the death, disability, or retirement of the district judge who is hereby assigned to said northern district (Feb 16 1925, c 233, § 3, 43 Stat. 946)

See notes to §§ 1088, 1088a, ante

§ 1088c. Same; marshal, district attorney, clerk, and deputy clerks for northern district—The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a marshal and a district attorney A clerk and deputy clerks shall be appointed and may be removed in the manner provided by law. (Feb. 16, 1925, c. 233, § 4, 43 Stat. 946)

See notes to §§ 1088, 1088a, ante.

§ 1088d. Same; jurisdiction and authority over territory in northern district—The jurisdiction and authority of the courts and officers of the western district of Oklahoma, and of the courts and officers of the eastern district of Oklahoma as heretofore divided between them by the order of the senior judge of the Circuit Court of Appeals for the Eighth Circuit of the United States over the territory embraced within said northern district of Oklahoma shall continue as heretofore until the organization of the district court of said northern district, and thereupon shall cease and determine, save and except in so far as the authority of the junior judge of said eastern district is continued in him as judge of said northern district, and save and except as to the authority expressly conferred by law on said courts, judges or officers, or any of them, to commence and proceed with the prosecution of crimes and offenses committed therein prior to the establishment of the said northern district, and save and except as to any other authority expressly reserved to them or any of them under any law applicable in the case of the creation or change of the divisions or districts of district courts of the United States. (Feb. 16, 1925, c. 233, § 5, 43 Stat 946)

See notes to §§ 1088, 1088a, ante

§ 1088e. Same; transfer of causes to northern district; procedure, fees, etc.—Any party to any civil action, suit, or proceeding, including proceedings in bankruptcy, which is pending in the said eastern or western district and the prescribed venue of which would have been in said northern district had such district been constituted at the time such action, suit, or proceeding was instituted, may, by filing notice of such desire in the office of the clerk of such eastern or western district as the case may be, cause such action, suit, or proceeding to be transferred to said northern district, and upon the filing of such notice the cause shall proceed in the said northern district as though originally brought therein. The clerk in whose office such notice may be filed shall forthwith transmit all the papers and documents in his court pertaining to such cause to the clerk of said northern district and he shall also, with all reasonable dispatch, prepare and transmit to such last-named clerk a certified transcript of the record of all orders, interlocutory decrees or other entries in such cause, with his certificate under the seal of the court that the papers sent are all that were on file in said court belonging to the cause. For the performance of his duties under this section the clerk so transmitting and certifying such papers and records shall receive the same fees as are now allowed by law for similar services to be taxed in the bill of costs and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record in the cause in the court to which the transfer shall be made. With such transcript shall be remitted all deposits in the hands of the clerk to the credit or account of such cause. The clerk receiving such transcript and original papers shall file the same In case the permissible prescribed venue of any such action, suit or proceeding would, at the option of the plaintiff, have been in either the said eastern district or in the said western district, though said northern district had then been constituted, then such suit, action, or proceeding shall not be removed to said northern district except upon consent of all of the parties thereto which consent shall be filed with the clerk in lieu of the notice of transfer above specified and shall have the same effect. (Feb. 16, 1925, c. 233, § 6, 43 Stat. 946)

See notes to §§ 1088, 1088a, ante.

§ 1092a. South Carolina; terms of court; offices of clerks—The terms of the district court for the eastern district of South Carolina shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May, at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; and at Aiken on the fourth Monday in September and the second Monday in February.

Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September, at Greenwood, the first Tuesday in February and November; at Anderson, the fourth Tuesday in May and November, and at Spartanburg, on the third Tuesday in February and second Tuesday in December

The office of the clerk of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston.

This Act shall take effect on the 1st day of July next ensuing its passage. (March 3, 1915, c 100, § 5, 38 Stat. 961, amended, Sept 1, 1916, c. 434, 39 Stat. 721, March 4, 1923, c. 261, 42 Stat. 1486, and Jan. 30, 1925, c. 118, 43 Stat 800.)

This section was again amended by Act March 4, 1923, c 261, cited above, by providing for terms of court at Spartanburg in the western district on the third Tuesday in February and second Tuesday in December The section was again amended by Act Jan 30, 1925, c 118, cited above, to read as set forth above.

§ 1094. (Jud. Code, § 107, amended.) Tennessee—The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division at Greeneville on the first Monday in March and the third Monday in September The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Hickman, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the

territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November, for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November, and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November Provided, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district, also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court (R. S. § 547. March 3, 1911, c. 231, § 107, 36 Stat 1124. Aug. 20, 1912, c. 306, 37 Stat 314. March 4, 1923, c. 289, 42 Stat. 1520.)

§ 1094a. [Superseded]

This section (Act June 22, 1916, c 161, 39 Stat 232) was superseded by the amendment to § 107 of the Judicial Code, ante, § 1094

§ 1095bb. Texas; terms of court in Amarillo division of northern district—Hereafter the terms of the district court of the United States in the Amarillo division of the northern district of Texas shall be held at Amarillo, Texas, on the third Monday in April and the second Monday in September of each year. (March 1, 1919, c. 87, 40 Stat. 1270.)

This section is an act entitled "An act to fix the time of holding court in the Amarillo division of the northern district of Texas," cited above.

§ 1097a. Texas; Jim Hogg county attached to Laredo division of southern district—That Jim Hogg County of the Corpus Christi division of the southern district of the State of Texas be, and the same is hereby, detached from the said Corpus Christi division and attached to and made a part of the Laredo division of the southern district of said State. (April 3, 1924, c. 82, 43 Stat 64)

This section is an act entitled "An act to detach Jim Hogg County from the Corpus Christi division of the southern judicial district of the State of Texas, and attach the same to the Laredo division of the southern judicial district of said state," cited above

§ 1098a. Texas; Pecos County transferred from Del Rio division to El Paso division of western district—That Pecos County, in the State of Texas, be, and the same is hereby, detached from the Del Rio division of the western judicial district of the State of Texas and attached to and made a part of the El Paso division of the western judicial district of said State. (March 2, 1923, c. 172, § 1, 42 Stat. 1373)

This section, and the section next following are an act entitled "An act to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State," cited above

§ 1098b. Same; process returnable to court at Pecos City; prosecutions triable in court at El Paso or Pecos City—All process against persons resident in said county of Pecos and cognizable before the United States district court shall be issued out of and made returnable to said court at Pecos City, and that all prosecutions against persons for offenses committed in said county of Pecos shall be tried in said court at El Paso or Pecos City. Provided, That no civil or criminal cause begun and pending prior to the passage of this Act shall be in any way affected by it. (March 2, 1923, c. 172, § 2, 42 Stat. 1373.)

See ante, note to § 1098a.

§ 1098c. Texas; Reagan County transferred from El Paso division to San Angelo Division—That Reagan County, in the State of Texas, be, and the same is hereby, detached from the El Paso division of the western judicial district of Texas and attached to and made a part of the San Angelo division of the northern judicial district of said State (May 29, 1924, c. 211, § 1, 43 Stat. 244.)

This section, and the section next following, are an act entitled "An act to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas and attach said county to the San Angelo division of the Northern judicial district of said state," cited above.

§ 1098d. Same; process returnable to court at San Angelo; prosecutions triable at San Angelo—All process against persons resident in said county of Reagan and cognizable before the United States district court shall be issued out of and made returnable to said court at San Angelo, and that all prosecutions against persons for offenses committed in said county of Reagan shall be tried in said court at San Angelo. Provided, That no civil or criminal cause begun and pending prior to the passage of this Act shall be in any way affected by it. (May 29, 1924, c. 211, § 2, 43 Stat 244.)

See note to § 1098c, ante.

§ 1102a. Virginia; terms of court for Western District—The terms of the United States District Court for the Western District of Virginia shall be held at Lynchburg on the first Monday in January and July; at Charlottesville on the first Monday in February, and on the Wednesday after the first Monday in August; at Danville on the first Monday in March, and the second Monday in September; at Harrisonburg on the third Monday in March, and the fourth Monday in October; at Abingdon on the second Monday in April and November; at Big Stone Gap on the first Monday in May and October; at Roanoke on the first Monday in June, and the fourth

Monday in November. (April 30, 1924, c. 144, 43 Stat. 114)

This section is an act entitled "An act to fix the time for the terms of the United States District Courts in the Western District of Virginia," cited above

§ 1102aa. Same; terms of court at Alexandria—The terms of the United States District Court for the Eastern District of Virginia, at Alexandria, shall hereafter be held at that city on the first Mondays in June and December of each year, instead of on the first Mondays in January and July of each year as heretofore. (Feb 21, 1925, c. 290, 43 Stat. 962)

This section is an act entitled "An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia, at Alexandria," cited above

§ 1104. (Jud. Code, § 113, amended.) West Virginia—The state of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof The terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday in April and the third Tuesday in September, at Clarksburg on the second Tuesday in April and the first Tuesday in October, at Wheeling on the first Tuesday in May and the third Tuesday in October, at Elkins on the third Tuesday in June and the third Tuesday in November; at Parkersburg on the second Tuesday in January and the fourth Tuesday in May.

The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe with the waters thereof The terms of the district court for the southern district shall be held at Charleston on the third Tuesday in April and the third Tuesday in November, at Huntington on the first Tuesday in March and the third Tuesday in September; at Bluefield on the third Tuesday in January and the third Tuesday in June; at Williamson on the first Tuesday in February; at Webster Springs on the fourth Tuesday in August; at Lewisburg on the first Tuesday in July: Provided, That a place for holding court at Webster Springs and Lewisburg shall be furnished free of cost to the United States: Provided further, That a place for holding court at Williamson shall be furnished free of cost to the United States by Mingo County until other provision is made therefor by law. (Jan. 22, 1901, c. 105, 31 Stat. 736. March 3, 1911, c. 231, § 113, 36 Stat. 1129. March 23, 1912, c. 63, 37 Stat. 76 Aug. 22, 1914, c. 265, 38 Stat. 702. Feb. 27, 1922, c. 83, 42 Stat. 398.)

For this section prior to its amendment by Act Feb. 27, 1922, c 83, see U. S Comp. St 1918, § 1104.

§ 1106. (Jud. Code, § 115, amended.) Wyoming—The State of Wyoming shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November, at Casper on the first Monday in February, at Evanston on the second Tuesday in July, and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, on such date as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Casper, and one to reside at Evanston, and one to reside at Lander, and shall also maintain an office at each of those places Provided, That, until a public building is provided at Casper, suitable accommodations for holding court in said town shall be furnished free of expense to the United States The marshal of the United States for the said district may appoint among others one or more deputy marshals, who shall reside in the Yellowstone National Park (July 10, 1890, c 664, §§ 16–18, 26 Stat. 225 March 3, 1911, c 231, § 115, 36 Stat. 1130. June 5, 1924, c. 260, 43 Stat. 388)

Chapter Six—Circuit Courts of Appeals

§ 1109. (Jud. Code, § 118, amended.) Circuit judges—There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges: and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 00 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law Provided, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code (March 3, 1911, c 231, § 118, 36 Stat 1131 Jan. 13, 1912, c 9, 37 Stat 52 Feb. 25, 1919, c. 29, § 2, 40 Stat 1156. Sept 14, 1922, c. 306, § 6, 42 Stat 840)

For this section prior to its amendment by Act Feb 25, 1919, c 29, § 2, see U S Comp St 1918, § 1100

This section was again amended by Act Feb. 25, 1919, c 29, § 2 cited above This amendment consisted in increasing the salaries from $7,000 to $8,500 per annum.

Section 7 of said Act Feb 25, 1919, c 29, provides that the act shall take effect and be in force on and after the first day of the month next following its approval

Section 3 of said Act Feb 25, 1919, c 29, provides that "the judges of the Court of Appeals of the District of Columbia shall receive salaries the same as the salaries provided by this Act to be paid to judges of the circuit court of appeals of the United States, and such salaries shall be paid as now provided by law."

It was again amended by Act Sept 14, 1922, c. 306, § 6, also cited above, to read as set forth above. Prior to this last amendment, said section read as follows

"There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, in the fourth circuit, two circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate All circuit judges shall receive a salary of $8,500 a year each, payable monthly Each circuit judge shall reside within his circuit The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law· Provided, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this Act"

§ 1109a. Additional circuit judges—That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two additional circuit judges for the eighth circuit, who shall receive the same salary as other circuit judges now receive and shall reside within the said eighth circuit. (March 3, 1925, c. 437, 43 Stat 1116)

This section is an act entitled "An act authorizing the President to appoint two additional circuit judges for the Eighth circuit," cited above

§ 1113a. Conference of circuit judges; reports to circuit judges by district judges; reports by Attorney General to conference; expenses of judges attending—It shall be the duty of the Chief Justice of the United States, or in case of his disability of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the pas-

sage of this Act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, District of Columbia, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit If any senior circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved

The senior district judge of each United States district court, on or before the first day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing Said reports shall be laid before the conference herein provided, by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper

The Chief Justice, or, in his absence, the senior associate justice, shall be the presiding officer of the conference Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice. (Sept. 14, 1922, c. 306, § 2, 42 Stat. 838.)

This section is section 2 of Act Sept. 14, 1922, c. 306, cited above. See note to § 998o, ante.

§ 1118b. Terms; San Juan, Porto Rico—The Court of Appeals for the First Circuit shall, when in its judgment the public interests require, hold a sitting of such court at San Juan, Porto Rico. (Jan. 8, 1925, c. 57, 43 Stat. 729)

This section is an act entitled "An act to authorize the Court of Appeals for the First Circuit to hold sittings at San Juan, Porto Rico," cited above.

§ 1120. (Jud. Code, § 128, amended.) Appellate jurisdiction—

(a) Review of final decisions—The circuit courts of appeal shall have appellate jurisdiction to review by appeal or writ of error final decisions—

First In the district courts, in all cases save where a direct review of the decision may be had in the Supreme Court under section 238

Second In the United States district courts for Hawaii and for Porto Rico in all cases.

Third In the district courts for Alaska or any division thereof, and for the Virgin Islands, in all cases, civil and criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved, in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $1,000, in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings; and in the district court for the Canal Zone in the cases and mode prescribed in the Act approved September 21, 1922, amending prior laws relating to the Canal Zone

Fourth In the Supreme Courts of the Territory of Hawaii and of Porto Rico, in all civil cases, civil or criminal, wherein the Constitution or a statute or treaty of the United States or any authority exercised thereunder is involved, in all other civil cases wherein the value in controversy, exclusive of interest and costs, exceeds $5,000, and in all habeas corpus proceedings

Fifth. In the United States Court for China, in all cases.

(b) Review of interlocutory orders or decrees of district courts—The circuit court of appeals shall also have appellate jurisdiction—

First To review the interlocutory orders or decrees of the district courts which are specified in section 129.

Second. To review decisions of the district courts sustaining or overruling exceptions to awards in arbitrations, as provided in section 8 of an Act entitled "An Act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913.

(c) Appellate and supervisory jurisdiction in bankruptcy proceedings—The circuit courts of appeal shall also have an appellate and supervisory jurisdiction under sections 24 and 25 of the Bankruptcy Act of July 1, 1898, over all proceedings, controversies, and cases had or brought in the district courts under that Act or any of its amendments, and shall exercise the same in the manner prescribed in those sections; and the jurisdiction of the Circuit Court of Appeals for the Ninth Circuit in this regard shall cover the courts of bankruptcy in Alaska and Hawaii, and that of the Circuit Court of Appeals for the First Circuit shall cover the court of bankruptcy in Porto Rico.

(d) Circuits in which reviews shall be had—The review under this section shall be in the following circuit courts of appeal: The decisions of a district court of the United States within a State in the circuit court of appeals for the circuit embracing such State; those of the District Court of Alaska or any division thereof, the United States district court, and the Supreme Court of Hawaii, and the United States Court for China, in the Circuit Court of Appeals for the Ninth Circuit; those of the United States district court and the Supreme Court of Porto Rico in the Circuit Court of Appeals for the First Circuit; those of the District Court of the Virgin Islands in the Circuit Court of Appeals for the Third Circuit; and those of the District Court of the Canal Zone in the Circuit Court of Appeals for the Fifth Circuit.

(e) Jurisdiction over Federal Trade Commission, Interstate Commerce Commission, and Federal Reserve Board.—The circuit courts of appeal are further empowered to enforce, set aside, or modify orders of the Federal Trade Commission, as provided in

section 5 of "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, and orders of the Interstate Commerce Commission, the Federal Reserve Board, and the Federal Trade Commission, as provided in section 11 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914. (March 3, 1891, c. 517, § 6, 26 Stat. 828. March 3, 1911, c. 231, § 128, 36 Stat. 1133. Jan. 28, 1915, c. 22, § 2, 38 Stat 803. Feb. 7, 1925, c 150, 43 Stat. 813. Feb 13, 1925, c. 229, § 1, 43 Stat 936)

This section was again amended by Act Feb 13, 1925, c. 229, § 1, 43 Stat 936, cited above, to read as set forth above Prior to this amendment, and another amendment noted below, this section read as follows

"The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section two hundred and thirty-eight, unless otherwise provided by law, and, except as provided in sections two hundred and thirty-nine and two hundred and forty, the judgments and decrees of the circuit court of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States or citizens of different states, also in all cases arising under the patent laws, under the trade-mark laws, under the copyright laws, under the revenue laws, and under the criminal laws, and in admiralty cases"

Section 13 of said Act Feb 13, 1925, c 229, expressly repeals section 2 of Act Jan 28, 1915, c 22, 38 Stat 803, which also amended this section Said § 13 also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the Act or are inconsistent therewith.

This section was also amended by Act Feb 7, 1925 c 150, 43 Stat 813, by inserting, in the section as it read prior to its amendment by Act Feb. 13, 1925, c 229, § 1, the following paragraph

"In all cases where an appeal from a final decree in admiralty to the circuit court of appeals is allowed by this section, an appeal may also be taken to said court from an interlocutory decree in admiralty determining the rights and liabilities of the parties Provided, That the same is taken within fifteen days after the entry and service of a copy of such decree upon the adverse party, but the taking of such appeal shall not stay proceedings under the interlocutory decree unless otherwise ordered by the district court upon such terms as shall seem just"

As to the effect of the latest amendment on this paragraph, quære?

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or shall affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when the act takes effect.

See, also, note at the beginning of this title.

§ 1120a. [Repealed]

This section, consisting of Act Jan. 28, 1915, c. 22, § 4, 38 Stat. 804, as amended by Act Sept 6, 1916, c 448, § 3, 39 Stat 727, is repealed by § 13 of Act Feb 13, 1925, c 229, 43 Stat 941 Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

This section (as amended as noted above) read as follows:

"Judgments and decrees of the circuit courts of appeals in all proceedings and causes arising under 'An Act to establish a uniform system of bankruptcy throughout the United States,' approved July first, eighteen hundred and ninety-eight, and in all controversies arising in such proceedings and causes; also, in all causes arising under 'An Act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April twenty-second, nineteen hundred and eight, also, in all causes arising under 'An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon,' approved March fourth, nineteen hundred and seven; also, in all causes arising under 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' approved March second, eighteen hundred and ninety-three, and, also, in all causes arising under any amendment or supplement to any one of the aforementioned Acts which has been heretofore or may hereafter be enacted, shall be final, save only that it shall be competent for the Supreme Court to require by certiorari, upon the petition of any party thereto, that the proceeding, case, or controversy be certified to it for review and determination, with the same power and authority and with like effect as if taken to that court by appeal or writ of error"

See, also, note at the beginning of this title

§ 1120aa. Review of judgments of district courts exercising concurrent jurisdiction with Court of Claims or adjudicating claims against United States—In cases in the district courts wherein they exercise concurrent jurisdiction with the Court of Claims or adjudicate claims against the United States the judgments shall be subject to review in the circuit courts of appeals like other judgments of the district courts, and sections 239 and 240 of the Judicial Code shall apply to such cases in the circuit courts of appeals as to other cases therein (Feb 13, 1925, c 229, § 4, 43 Stat 939)

This section is § 4 of Act Feb 13, 1925, c 229, 43 Stat 939, cited above Section 13 of said Act Feb 13, 1925, c 229, expressly repeals certain enumerated acts and parts of acts, and also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the act or are inconsistent therewith

Section 14 of said Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1121. (Jud. Code, § 129, amended.) Appeals in proceedings for injunctions and receivers—Where, upon a hearing in a district court, or by a judge thereof in vacation, an injunction is granted, continued, modified, refused, or dissolved by an interlocutory order or decree, or an application to dissolve or modify an injunction is refused, or an interlocutory order or decree is made appointing a receiver, or refusing an order to wind up a pending receivership or to take the appropriate steps to accomplish the purposes thereof, such as directing a sale or other disposal of property held thereunder, an appeal may be taken from such interlocutory order or decree to the circuit court of appeals; and sections 239 and 240 shall apply to such cases in the circuit courts of appeals as to other cases therein: Provided, That the appeal to the circuit court of appeals must be applied for within thirty days from the entry of such order or decree, and shall take precedence in the appellate court; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal unless otherwise ordered by the court, or the appellate court, or a judge thereof: Provided, however, That the district court may, in its discretion, require an additional bond as a condition of the appeal. (March 3, 1891, c. 517, § 7, 26 Stat. 828 Feb. 18, 1895, c. 96, 28 Stat. 666. June 6, 1900, c. 803, 31 Stat. 660. April 14, 1906, c. 1627, 34 Stat. 116 March 3, 1911, c. 231, § 129, 36 Stat. 1134. Feb 13, 1925, c. 229, § 1, 43 Stat 937.)

This section was amended by § 1 of Act Feb 13, 1925, c 229, cited above to read as set forth above. Prior to this amendment this section read as follows:

"Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve, an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the Supreme Court: Provided, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court, and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered

by that court, or the appellate court, or a judge thereof, during the pendency of such appeal Provided, however, That the court below may, in its discretion, require as a condition of the appeal an additional bond"

Section 13 of said Act Feb 13, 1925, c 229, expressly repeals certain enumerated acts and parts of acts, and also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the act or are inconsistent therewith

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1122. (Jud. Code, § 130.) [Repealed.]

This section (§ 130 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"The circuit courts of appeals shall have the appellate and supervisory jurisdiction conferred upon them by the Act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July first, eighteen hundred and ninety-eight, and all laws amendatory thereof, and shall exercise the same in the manner therein prescribed"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1123. (Jud. Code, § 131.) [Repealed]

This section (§ 131 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"The circuit court of appeals for the ninth circuit is empowered to hear and determine writs of error and appeals from the United States court for China, as provided in the Act entitled 'An Act creating a United States court for China and prescribing the jurisdiction thereof,' approved June thirtieth, nineteen hundred and six"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

(Jud. Code, § 133.) [Repealed]

This section (§ 133 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 See note to U. S. Comp. St 1918, following § 1124 thereof

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1125. (Jud. Code, § 134.) [Repealed.]

This section (§ 134 of the Judicial Code) is repealed by Act Feb. 13, 1925, c 229, § 13, 43 Stat. 941 It read as follows

"In all cases other than those in which a writ of error or appeal will lie direct to the Supreme Court of the United States as provided in section two hundred and forty-seven, in which the amount involved or the value of the subject-matter in controversy shall exceed five hundred dollars, and in all criminal cases, writs of error and appeals shall lie from the district court for Alaska or from any division thereof, to the circuit court of appeals for the ninth circuit, and the judgments, orders, and decrees of said court shall be final in all such cases But whenever such circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any such case, the court may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the question or proposition certified to it, and its instructions shall be binding upon the circuit court of appeals"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1126a. [Repealed]

This section (Jan 28, 1915, c 22, § 2, 38 Stat 804) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territory of Hawaii and of Porto Rico, wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the value of $5,000, may be taken and prosecuted in the circuit courts of appeals"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1126b. Time for making application for appeal or writ of error—No writ of error or appeal intended to bring any judgment or decree before a circuit court of appeals for review shall be allowed unless application therefor be duly made within three months after the entry of such judgment or decree (Feb 13, 1925, c 229, § 8 [c], 43 Stat 940)

This section is paragraph (c) of § 8 of Act Feb. 13, 1925, c 229, cited above Paragraphs (a), (b), and (d) of said section 8 are set forth post, as § 1238b

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1126c. Review dependent upon amount in controversy; proof of such amount—In any case where the power to review, whether in the circuit courts of appeals or in the Supreme Court, depends upon the amount or value in controversy, such amount or value, if not otherwise satisfactorily disclosed upon the record, may be shown and ascertained by the oath of a party to the cause or by other competent evidence. (Feb 13, 1925, c. 229, § 9, 43 Stat. 941.)

This section is § 9 of Act Feb 13, 1925, c 229, cited above. Section 13 of said act expressly repeals certain enumerated acts and parts of acts, and also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the act or are inconsistent therewith

Section 14 of said act provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

Chapter Seven—The Court of Claims

§ 1127. (Jud. Code, § 136, amended.) Judges—The Court of Claims established by Act of February twenty-fourth, eighteen hundred and fifty-five, shall be continued It shall consist of a Chief Justice and four judges, who shall be appointed by the President by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States and to discharge faithfully the duties of his office. The Chief Justice shall be entitled to receive an annual salary of $8,000, and each of the other judges an annual salary of $7,500, payable monthly from the Treasury. (R. S. § 1049. Feb 12, 1903, c. 547, 32 Stat. 825. March 3, 1911, c. 231, § 136, 36 Stat. 1135. Feb. 25, 1919, c. 29, § 4, 40 Stat. 1157.)

This section was amended by Act Feb. 25, 1919, c. 29, § 4, cited above, to read as set forth above This amendment consisted in increasing the salary of the Chief Justice from $6,500 to $8,000, and the salaries of the judges from $6,000 to $7,500.

Section 7 of said Act Feb. 25, 1919, c. 29, provides that the act shall take effect and be in force on and after the first day of the month next following its approval.

§ 1130.

For current appropriation for the salaries of the judges and officers and employees of the Court of Claims, see Act Feb 27, 1925, c. 364, title II, 43 Stat 1028

§ 1144.

The court of claims was vested with jurisdiction to hear and determine claims of the Cherokee Nation against the United States for interest alleged to be owing from the United States to said Nation on funds arising from the judgment of said Court of May 18, 1905 (40 Ct Claims Rep 252), in favor of said Nation, and in such determination to examine all laws, treaties, or agreements between the United States and said Nation, by Act March 3, 1919, c 103, 40 Stat 1316, also with jurisdiction of all claims against the United States of Indians of the Ft Berthold Reservation, arising under treaties agreements, or laws, with the right of appeal to the Supreme Court, by Act Feb. 11, 1920, c 68, 41 Stat 404, also with jurisdiction to hear and determine claims of the Klamath and Moadac Tribes and the Yahooskin Band of Snake Indians, due said Indians, under any treaties, agreements or laws, or for the misappropriation of funds of said Indians, or for the failure of the United States to pay to said Indians any money or other property due, by Act May 26, 1920, c. 203, 41 Stat 623, also with jurisdiction to hear and determine certain claims of the Sioux tribe of Indians against the United States for amounts due said tribe under treaties, agreements, or laws, etc, by Act June 3, 1920, c 222, 41 Stat 738, also with jurisdiction to hear and determine claims of the Osage Indians under a treaty of Jan 21, 1867, by Act Feb 6, 1921, c 36, 41 Stat 1097

It was also vested with jurisdiction to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Cherokee Indian Nation or Tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which the said Cherokee Nation or Tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States, by Act March 19, 1924, c 70, 43 Stat 27

It was also vested with jurisdiction to hear and determine claims of the Seminole Indians against the United States, arising under or growing out of treaties or agreements, or acts of Congress, by Act May 20, 1924, c 162, 43 Stat 133, also with jurisdiction to hear and determine claims of the Creek Indians against the United States, arising under or growing out of treaties or agreements, or acts of Congress, by Act May 24, 1924, c 181, 43 Stat 139, also with jurisdiction to ascertain the cost to and the amounts expended by the Southern Pacific Company in closing and controlling a break in the Colorado River, and to render judgment therefor, by Act May 26, 1924, c 192, 43 Stat 171, also with jurisdiction to hear and determine claims of the Wichita and affiliated bands of Indians in Oklahoma against the United States, arising under or growing out of treaties or agreements, or laws of Congress, by Act June 4, 1924, c 249, 43 Stat. 366, also with jurisdiction to hear and determine claims of the Choctaw and Chickasaw Indians against the United States, arising under or growing out of treaties or agreements, or acts of Congress, by Act June 7, 1924, c 300, 43 Stat 537, also with jurisdiction to hear and determine claims of the Stockbridge Tribe of Indians against the United States, arising under or growing out of treaties or agreements, or acts of Congress, by Act June 7, 1924, c 335, 43 Stat 644

It was also vested with jurisdiction to hear and determine all claims against the United States, of whatsoever nature, of the Delaware Tribe of Indians residing in Oklahoma, with right of appeal to the Supreme Court, by Act Feb 7, 1925, c. 148, 43 Stat 812

It was also vested with jurisdiction to hear, and determine claims of the tribes and bands of Indians, except the S'Klallams, known as Clallams, against the United States growing out of certain treaties made with such Indians, by Act Feb 12, 1925, c 214, 43 Stat. 886, also with jurisdiction to hear and determine claims of the Kansas or Kaw tribe of Indians against the United States, growing out of treaties made with such Indians, by Act March 3, 1925, c. 459, 43 Stat. 1133.

Claims of Rhode Island against the United States for expenses incurred and paid in aiding the United States to raise its volunteer army in the war with Spain, are referred to the Court of Claims for adjudication and report to Congress by Act Feb 24, 1925, c. 300, 43 Stat. 964

§ 1154a. Commissioners of Court of Claims; appointment; powers; procedure—To afford the Court of Claims needed facilities for the disposition of suits brought therein said court is hereby authorized and empowered to appoint seven competent persons, to be known as commissioners, who shall attend the taking of or take evidence in cases that may be assigned to them severally by the court and make report of the facts in the case to the court. Any commissioner shall proceed under such rules and regulations as may be promulgated by the court and such orders as the court may make in the particular case, and may have and perform the general duties that pertain to special masters in suits in equity. He may fix the times for hearings administer oaths, examine witnesses, and receive evidence Parties to the suit may appear before the commissioner in person or by attorney, produce evidence, and examine witnesses Subpœnas for witnesses or for the production of testimony before the commissioner may issue out of the court by the clerk thereof and shall be served by a United States marshal in any judicial district to whom they are directed. The rules of the court shall provide for a finding and report of facts by a commissioner, to be filed in court with the testimony upon which the same is based, and for exceptions thereto, in whole or in part, by the parties to the suit, and a hearing thereon within such reasonable time as the court's rules or order may prescribe Nothing in this section shall be so construed as to prevent the court from passing upon all questions and findings without regard to whether exceptions were or were not taken at the hearings before the commissioner. Any person appointed as commissioner may be removed at the pleasure of the court. (Feb 24, 1925, c 301, § 1, 43 Stat. 964)

This section, and the two sections next following, are an act entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," cited above

For current appropriation for the Commissioners of the Court of Claims, see Act March 4, 1925, c 556, § 1, 43 Stat 1332

§ 1154b. Same; salaries; expenses—Each of said commissioners shall devote all of his time to the duties of his office, and receive a salary of $5,000 per annum, payable monthly out of the Treasury The commissioners and stenographers authorized by the court shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed $7 per day in the case of commissioners and $4 per day in the case of stenographers. The expenses of travel and subsistence herein authorized shall be paid upon the order of the court. (Feb. 24, 1925, c. 301, § 2, 43 Stat 965)

See note to § 1154a, ante.

§ 1154c. Same; operative effect of act—This Act and all appointments made thereunder shall cease and determine three years after the date of its approval by the President. (Feb. 24, 1925, c. 301, § 3, 43 Stat. 965)

See note to § 1154a, ante

§ 1168. (Jud. Code, § 177, amended.) No interest on claims—No interest shall be allowed on any claim up to the time of the rendition of judgment by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest, except that interest may be allowed in any judgment of any court rendered after the passage of the Revenue Act of 1921 against the United States for any internal-revenue tax erroneously or illegally assessed or collected, or for any penalty collected without authority or any sum which was excessive or in any manner wrongfully collected, under the internal-revenue laws (R. S. § 1091. March 3, 1911, c. 231, § 177, 36 Stat 1141. Nov. 23, 1921, c. 136, § 1324(b), 42 Stat. 316. June 2, 1924, 4:01 p. m., c. 234, § 1020, 43 Stat. 346.)

This section is § 1020 of Title X of the Revenue Act of 1924, cited above, re-enacting Jud Code, § 177, without change Section 1324(b) of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, § 1324(b), 42 Stat. 316) also amending this section, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t

§ 1172. (Jud. Code, § 181.) [Repealed.]

This section (§ 181 of the Judicial Code) is repealed by Act Feb. 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"The plaintiff or the United States, in any suit brought

under the provision of the section last preceding, shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three, and such right shall be exercised only within the time and in the manner therein prescribed."

Said section 13 also repeals so much of Act March 3, 1887, c 359, § 9, 24 Stat 507, as provides for a review by the Supreme Court on writ of error or appeal in the cases therein named. Said § 13 also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the act or are inconsistent therewith.

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1172a. Certification to Supreme Court of questions of law; certiorari by Supreme Court to Court of Claims; no other review allowed—(a) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the cause.

(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought there by appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise. (Feb. 13, 1925, c 229, § 3, 43 Stat. 939)

This section is § 3 of Act Feb. 13, 1925, c 229, cited above Section 13 of said act expressly repeals certain acts and parts of acts, and also repeals all other acts and parts of acts in so far as they are embraced within and superseded by the act or are inconsistent therewith

Section 14 of said act provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1173. (Jud. Code, § 182.) [Repealed]

This section (§ 182 of the Judicial Code) is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows

"In any case brought in the Court of Claims under any Act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections two hundred and forty-two and two hundred and forty-three, and such right shall be exercised only within the time and in the manner therein prescribed"

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

Chapter Eight—The Court of Customs Appeals

§ 1179a. Court; judges; salaries—The judges of the United States Court of Customs Appeal shall receive salaries equal in amount to the salaries provided by this Act to be paid judges of the Circuit Court of Appeals of the United States, payable monthly from the Treasury. (Feb 25, 1919, c 29, § 5, 40 Stat 1157)

This section is § 5 of an act entitled "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March third, nineteen hundred and eleven," cited above Section 7 of said Act provides that the act shall take effect and be in force on and after the first day of the month next following its approval

For salaries of judges of Circuit Court of Appeals, see ante, § 1109

For current appropriation for the Court of Customs Appeals, see Act Feb. 27, 1925, c 364, title II, 43 Stat 1028.

Chapter Ten—The Supreme Court

§ 1194.

For current appropriation for the justices and officers of the Supreme Court, see Act Feb 27, 1925, c. 364, title II, 43 Stat 1028

§ 1197a. Law clerks—United States Supreme Court * * * Nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each * * * (June 1, 1922, c. 204, title II, 42 Stat. 614 Jan. 3, 1923, c. 21, title II, 42 Stat 1081 May 28, 1924, c 204, title II, 43 Stat 218 Feb 27, 1925, c 364, title II, 43 Stat. 1028.)

From the Departments of State and Justice, the Judiciary, and the Departments of Commerce and Labor appropriation act for the year 1926, cited above. Similar provisions have been contained in prior acts.

§ 1201. (Jud. Code, § 225, amended.) Reporter; duties; printing and binding at Government Printing Office; quality and size of paper, type, etc.—It shall be the duty of the reporter to prepare the decisions of the Supreme Court for printing and publication in bound volumes, as and when directed by the court or the Chief Justice; and when so directed to cause to be printed and published advance copies of said decisions in pamphlet installments.

The reporter, by requisition upon the Public Printer, shall have the printing and binding herein required done at the Government Printing Office

The quality and size of the paper, type, format, proofs, and binding shall be determined by the reporter subject to approval of the court or the Chief Justice.

Authority is hereby conferred upon the Public Printer for doing the printing and binding specified herein (R. S. § 681. March 3, 1911, c. 231, § 225, 36 Stat. 1153. July 1, 1922, c. 267, § 1, 42 Stat 816.)

For this section prior to its amendment by Act July 1, 1922, c 267, § 1, see U. S. Comp. St 1918, § 1201. See, also, post, § 1205a

§ 1202. (Jud. Code, § 226, amended.) Same; salary and allowances—The salary of the reporter shall be $8,000 per annum, payable out of the Treasury in monthly installments, which shall be in full compensation for the services required by law. He shall also be allowed for professional and clerical assistance and stationery not to exceed $3,500 per annum, to be paid upon vouchers signed by him and approved by the Chief Justice He shall be furnished a room in the Capitol, with suitable furniture, convenient to the space occupied by the Supreme Court and the law library thereof. (Aug. 5, 1882, c. 389, § 1, 22 Stat. 254. March 3, 1911, c. 231, § 226, 36 Stat. 1153. July 1, 1922, c. 267, § 2, 42 Stat. 816.)

For this section prior to its amendment by Act July 1, 1922, c. 267, § 2, see U. S. Comp. St. 1918, § 1202. See, also, post, § 1205a.

For current appropriation for the Supreme Court Reporter, see Act Feb. 27, 1925, c. 364, title II, 43 Stat. 1028.

§ 1203. (Jud. Code, § 227, amended.) Printing, binding and distribution of reports and digests—The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court

reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the Circuit Courts of Appeal, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General, War Department, the Chief of Finance, War Department, the Judge Advocate General, Navy Department; the Paymaster General, Navy Department, the Commissioner of Indian Affairs, the Commissioner of General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Interstate Commerce Commission, the Federal Trade Commission, the Clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States Attorney for the District of Columbia, the chairman United States Shipping Board; the Naval Academy at Annapolis, Maryland; the Military Academy at West Point, New York, and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; to the law library of the Supreme Court, twenty-five copies; to the law library of the Department of the Interior, two copies; to the law library of the Department of Justice, five copies; to the Secretary of the Senate for the use of committees of the Senate, thirty copies; to the Clerk of the House of Representatives for use of the committees of the House, thirty-five copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justice thereof in the conference room, robing room, and court room, three copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, and for the headquarters of military departments in the United States, twelve copies; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, one copy.

The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them

No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder. (R S. § 683 Feb 12, 1889, c 135, 25 Stat 661. July 1, 1902, c 1355, 32 Stat. 630. March 3, 1911, c 231, § 227, 36 Stat. 1154. July 1, 1922, c. 267, § 3, 42 Stat. 816)

For this section prior to its amendment by Act July 1, 1922, c 267, § 3, see U S. Comp St 1918, § 1203. See, also, post, § 1205a.

§ 1205. (Jud. Code, § 228, amended.) Number of bound volumes and advance pamphlets to be printed; sale; price; reprints—The number of bound volumes and advance pamphlet installments, to be printed under the provisions of section 225, shall be determined by the reporter from estimates furnished by the Attorney General and the Superintendent of Documents, and the prices for said bound volumes and pamphlet installments to be sold by the Public Printer shall be fixed by the reporter with the approval of the Attorney General and shall equal the cost of composition, plating, printing, and binding, and such additional amount as shall equal as nearly as may be, one-half the sums appropriated for the salary and expenses of the reporter under the provisions of section 226.

Receipts from the sale of said reports and pamphlet installments shall be covered into the Treasury to the credit of miscellaneous receipts.

Whenever the supply of bound copies of any volume produced under any requisition pursuant to section 1 of this Act shall have been disposed of, reprints from the original plates shall be made at the Government Printing Office from time to time in sufficient numbers to meet current demands. Such reprints shall equal, as nearly as possible, in quality of presswork, paper, and binding the original editions, and shall be sold at the price fixed for the latest volume published when the reprints are made; so much of the money thus derived as equals the cost of making and distributing the reprints sold shall be credited to the appropriation for printing and binding; the remainder thereof shall be deposited in the Treasury to the credit of miscellaneous receipts. (Feb 12, 1889, c. 135, 25 Stat 661. July 1, 1902, c 1355, 32 Stat. 630. March 3, 1911, c. 231, § 228, 36 Stat. 1155. July 1, 1922, c. 267, § 4, 42 Stat. 818.)

For this section prior to its amendment by Act July 1, 1922, c 267, § 4, see U. S. Comp. St 1918, § 1205. See, also, post, § 1205a.

§ 1205a. Appropriations for printing, binding, etc., of reports authorized—Such sums as may be necessary to carry into effect the provisions of sections 225, 226, 227, and 228 of the Judicial Code as amended by this Act are hereby authorized to be appropriated annually out of any money in the Treas-

ary not otherwise appropriated. (July 1, 1922, c 267, § 5, 42 Stat. 818)

This section is part of § 5 of an act entitled "An act to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code," cited above The remainder of said section 5 provides that the act shall take effect November 21, 1921, and provides further 'that there shall be deducted from the salary and allowances fixed by section 226 of the Judicial Code, as amended hereby, such sums as may have been paid or allowed out of the Treasury to the reporter for work done by him in the preparation for printing and binding of reports of decisions rendered since the opening of the October, 1921, term of the Supreme Court"

§ 1213. (Jud. Code, § 236.) [Repealed]

This section (§ 236 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1214. (Jud. Code, § 237, amended.) Appellate jurisdiction of final judgments or decrees of state courts in certain cases; judgments and decrees of State courts; certiorari—(a) A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of the United States, and the decision is against its validity, or where is drawn, in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of its validity, may be reviewed by the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree had been rendered or passed in a court of the United States The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the cause to the court from which it was removed by the writ

(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had where is drawn in question the validity of a treaty or statute of the United States; or where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, treaties, or laws of the United States; or where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied. Nothing in this paragraph shall be construed to limit or detract from the right to a review on a writ of error in a case where such a right is conferred by the preceding paragraph, nor shall the fact that a review on a writ of error might be obtained under the preceding paragraph be an obstacle to granting a review on certiorari under this paragraph

(c) If a writ of error be improvidently sought and allowed under this section in a case where the proper mode of invoking a review is by a petition for certiorari, this alone shall not be a ground for dismissal; but the papers whereon the writ of error was allowed shall be regarded and acted on as a petition for certiorari and as if duly presented to the Supreme Court at the time they were presented to the court or judge by whom the writ of error was allowed: Provided, That where in such a case there appears to be no reasonable ground for granting a petition for certiorari it shall be competent for the Supreme Court to adjudge to the respondent reasonable damages for his delay, and single or double costs, as provided in section 1010 of the Revised Statutes (R. S § 709 March 3, 1911, c 231, § 237, 36 Stat 1156 Dec. 23, 1914, c 2, 38 Stat. 790 Sept 6, 1916, c 448, § 2, 39 Stat. 726. Feb. 17, 1922, c 54, 42 Stat. 366 Feb 13, 1925, c 229, § 1, 43 Stat 937)

This section was again amended by Act Feb 13, 1925, c 229, § 1, cited above, to read as set forth above Prior to this amendment this section read as follows:

"A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity, or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, in its discretion, award execution or remand the same to the court from which it was removed by the writ

"It shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgment or decree has been rendered or passed by the highest court of a State in which a decision could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is in favor of their validity, or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against their validity, or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under the United States, and the decision is either in favor of or against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution treaty, statute, commission or authority

"In any suit involving the validity of a contract wherein it is claimed that a change in the rule of law or construction of statutes by the highest court of a State applicable to such contract would be repugnant to the Constitution of the United States, the Supreme Court shall, upon writ of error, reexamine, reverse, or affirm the final judgment of the highest court of a State in which a decision in the suit could be had, if said claim is made in said court at any time before said final judgment is entered and if the decision is against the claim so made"

Section 13 of said Act Feb 13, 1925, c 229, also expressly repeals § 2 of Act Sept. 6, 1916, c. 448, 39 Stat. 726, which also amended this section, and Act Feb. 17, 1922, c. 54, 42 Stat 366, which also amended this section

Section 14 of said Act Feb. 13, 1925, c. 229 provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1215. (Jud. Code, § 238, amended.) Same; United States district courts—A direct review by the Supreme Court of an interlocutory or final judgment or decree of a district court may be had where it is so provided in the following Acts or parts of Acts, and not otherwise:

(1) Section 2 of the Act of February 11, 1903, "to expedite the hearing and determination" of certain suits brought by the United States under the antitrust or interstate commerce laws, and so forth.

(2) The Act of March 2, 1907, "providing for writs of error in certain instances in criminal cases" where the decision of the district court is adverse to the United States.

(3) An Act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, approved March 4, 1913, which Act is hereby amended by adding at the end thereof, "The requirement respecting the presence of three judges shall also apply to the final hearing in such suit in the district court; and a direct appeal to the Supreme Court may be taken from a final decree granting or denying a permanent injunction in such suit."

(4) So much of "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes," approved October 22, 1913, as relates to the review of interlocutory and final judgments and decrees in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission other than for the payment of money.

(5) Section 316 of "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes" approved August 15, 1921. (March 3, 1891, c. 517, § 5, 26 Stat. 827. Jan 20, 1897, c. 68, 29 Stat. 492. April 12, 1900, c 191, § 35, 31 Stat. 85. April 30, 1900, c. 339, § 86, 31 Stat. 158 March 3, 1909, c 269, § 1, 35 Stat. 838 March 3, 1911, c 231, §§ 238, 244, 36 Stat. 1157. Jan. 28, 1915, c. 22, § 2, 38 Stat. 804. Feb. 13, 1925, c. 229, § 1, 43 Stat 938)

This section was again amended by Act Feb 13, 1925, c. 229, § 1, cited above, to read as set forth above Prior to this amendment it read as follows.

"Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision, from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States"

Section 13 of said Act Feb 13, 1925, c. 229, expressly repeals § 2 of Act Jan 28, 1915, c. 22, 38 Stat. 804, which also amended this section

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1215a. (Jud. Code, § 238 [a].) [Repealed.]

This section, added to the Judicial Code as § 238(a), by Act Sept. 14, 1922, c 305, 42 Stat 837, is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat 941. It read as follows:

"If an appeal or writ of error has been or shall be taken to, or issued out of, any circuit court of appeals in a case wherein such appeal or writ of error should have been taken to or issued out of the Supreme Court, or if an appeal or writ of error has been or shall be taken to, or issued out of, the Supreme Court in a case wherein such appeal or writ of error should have been taken to, or issued out of, a circuit court of appeals, such appeal or writ of error shall not for such reason be dismissed, but shall be transferred to the proper court, which shall thereupon be possessed of the same and shall proceed to the determination thereof, with the same force and effect as if such appeal or writ of error had been duly taken to, or issued out of, the court to which it is so transferred"

Section 14 of said Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1216. (Jud. Code, § 239, amended.) Certificates of questions to Supreme Court by circuit courts of appeals and Court of Appeals of District of Columbia—In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, the court at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which instructions are desired for the proper decision of the cause; and thereupon the Supreme Court may either give binding instructions on the questions and propositions certified or may require that the entire record in the cause be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there by writ of error or appeal. (March 3, 1891, c. 517, § 6, 26 Stat 828 March 3, 1911, c. 231, § 239, 36 Stat. 1157. Feb. 13, 1925, c. 229, § 1, 43 Stat. 938)

This section is amended by Act Feb 13, 1925, c 229, § 1, cited above, to read as set forth above Prior to this amendment it read as follows

"In any case within its appellate jurisdiction as defined in section one hundred and twenty-eight, the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision, and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal"

Section 14 of said Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1217. (Jud. Code, § 240, amended.) Certiorari to circuit courts of appeals and Court of Appeals of District of Columbia; appeal or writ of error to Supreme Court from circuit courts of appeals in certain cases; other reviews not allowed—(a) In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal.

(b) Any case in a circuit court of appeals where is drawn in question the validity of a statute of any State, on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is against its validity, may, at the election of the party relying on such State statute, be taken to the Supreme Court for review on writ of error or appeal; but in that event a review on certiorari shall not be allowed at the instance of such party, and the review on such writ of error or appeal shall be restricted to an examination and decision of the Federal questions presented in the case.

(c) No judgment or decree of a circuit court of appeals or of the Court of Appeals of the District of Columbia shall be subject to review by the Supreme Court otherwise than as provided in this section. (March 3, 1891, c. 517, § 6, 26 Stat. 828. March 3, 1911,

c. 231, § 240, 36 Stat 1157 Feb. 13, 1925, c 229, § 1, 43 Stat. 938)

This section is amended by Act Feb 13, 1925, c 229, § 1, cited above, to read as set forth above Prior to this amendment it read as follows

"In any case, civil or criminal, in which the judgment or decree of the circuit court of appeals is made final by the provisions of this Title, it shall be competent for the Supreme Court to require, by certiorari or otherwise, upon the petition of any party thereto, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1217a. Certification of questions to Supreme Court by circuit courts of appeals, and certiorari thereto, and appeal or writ of error to Supreme Court from circuit courts of appeals in certain other cases—Cases in a circuit court of appeals under section 8 of "An Act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913, under section 5 of "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; and under section 11 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply (Feb. 13, 1925, c. 229, § 2, 43 Stat. 939)

This section is § 2 of Act Feb 13, 1925, c. 229, cited above

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1218. (Jud. Code, § 241.) [Repealed.]

This section (§ 241 of the Judicial Code) is repealed by Act Feb. 13, 1925, c 229, § 13, 43 Stat. 941. It read as follows.

"In any case in which the judgment or decree of the circuit court of appeals is not made final by the provisions of this Title, there shall be of right an appeal or writ of error to the Supreme Court of the United States where the matter in controversy shall exceed one thousand dollars, besides costs."

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1219. (Jud. Code, § 242.) [Repealed.]

This section (§ 242 of the Judicial Code) is repealed by Act Feb 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows.

"An appeal to the Supreme Court shall be allowed on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court as provided in section one hundred and seventy-two."

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1220. (Jud. Code, § 243.) [Repealed]

This section (§ 243 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941. It read as follows

"All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1221. (Jud. Code, § 244.) [Repealed]

This section (§ 244 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It was also repealed by Act Jan 28, 1915, c 22, § 3, 38 Stat 804 (which is also repealed by § 13 of said Act Feb 13, 1925, c 229)

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1222. (Jud. Code, § 245.) [Repealed]

This section (§ 245 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"Writs of error and appeals from the final judgments and decrees of the supreme courts of the Territories of Arizona and New Mexico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of five thousand dollars"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1223. (Jud. Code, § 246, amended.) [Repealed]

This section (§ 246 of the Judicial Code) is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows

"Writs of error and appeals from the final judgments and decrees of the Supreme Court of the Territory of Hawaii and of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States within the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in the suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section two hundred and thirty-seven, and in all other cases, civil or criminal, in the Supreme Court of the Territory of Hawaii or the Supreme Court of Porto Rico, it shall be competent for the Supreme Court of the United States to require by certiorari, upon the petition of any party thereto, that the case be certified to it, after final judgment or decree, for review and determination, with the same power and authority as if taken to that court by appeal or writ of error; but certiorari shall not be allowed in any such case unless the petition therefor is presented to the Supreme Court of the United States within six months from the date of such judgment or decree. * * *"

Said § 13 also repeals § 2 of Act Jan. 28, 1915, c. 22, 38 Stat. 804, which also amended this section

Section 14 of said Act Feb. 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1224. (Jud. Code, § 247.) [Repealed.]

This section (§ 247 of the Judicial Code) is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows

"Appeals and writs of error may be taken and prosecut-

ed from final judgments and decrees of the district court for the district of Alaska or for any division thereof, direct to the Supreme Court of the United States, in the following cases In prize cases, and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States Such writs of error and appeal shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the district courts to the Supreme Court"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1225. (Jud. Code, § 248.) [Repealed.]

This section (§ 248 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"The Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby, in which the Constitution, or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question, and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court on appeal or writ of error by the party aggrieved, within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States"

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1225a. [Repealed.]

This section (Aug. 29, 1916, c 416, § 27, 39 Stat 555) is repealed by Act Feb 13, 1925, c. 229, § 13, 43 Stat 941 It read as follows

"The Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds $25,000, or in which the title or possession of real estate exceeding in value the sum of $25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question, and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far applicable, as the final judgments and decrees of the district courts of the United States"

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1225b. [Repealed]

This section (Sept 6, 1916, c 448, § 5, 39 Stat. 727) is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows:

"No judgment or decree rendered or passed by the Supreme Court of the Philippine Islands more than sixty days after the approval of this Act shall be reviewed by the Supreme Court upon writ of error or appeal; but it shall be competent for the Supreme Court, by certiorari or otherwise, to require that there be certified to it for review and determination, with the same power, and authority and with like effect as if brought up by writ of error or appeal, any cause wherein, after such sixty days, the Supreme Court of the Philippine Islands may render or pass a judgment or decree which would be subject to review under existing laws"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1225c. Certiorari to review decisions of Supreme Court of Philippine Islands—In any case in the Supreme Court of the Philippine Islands wherein the Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds $25,000, or wherein the title or possession of real estate exceeding in value the sum of $25,000 is involved or brought in question, it shall be competent for the Supreme Court of the United States, upon the petition of a party aggrieved by the final judgment or decree, to require, by certiorari, that the cause be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought before it on writ of error or appeal; and, except as provided in this section, the judgments and decrees of the Supreme Court of the Philippine Islands shall not be subject to appellate review (Feb. 13, 1925, c. 229, § 7, 43 Stat 940)

This section is § 7 of Act Feb 13, 1925, c 229, cited above.

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

§ 1226. (Jud. Code, § 249.) [Repealed.]

This section (§ 249 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 It read as follows

"In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State, and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires."

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1227. (Jud. Code, § 250.) [Repealed.]

This section (§ 250 of the Judicial Code) is repealed by Act Feb. 13, 1925, c 229, § 13, 43 Stat 941. It read as follows.

"Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in the following cases.

"First. In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision

"Second. In prize cases.

"Third In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority

"Fourth. In cases in which the constitution, or any law of a State, is claimed to be in contravention of the Constitution of the United States

"Fifth In cases in which the validity of any authority exercised under the United States, or the existence or scope of any power or duty of an officer of the United States is drawn in question.

"Sixth In cases in which the construction of any law of the United States is drawn in question by the defendant.

"Except as provided in the next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases; and, except as provided in the

next succeeding section, the judgments and decrees of said court of appeals shall be final in all cases not reviewable as hereinbefore provided

"Writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States."

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1228. (Jud. Code, § 251.) [Repealed]

This section (§ 251 of the Judicial Code) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941. It read as follows

"In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision, and thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title.

§ 1228a. [Repealed]

This section (Sept 6, 1916, c 448, § 6, 39 Stat. 727) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941. It read as follows:

'No writ of error, appeal, or writ of certiorari intended to bring up any cause for review by the Supreme Court shall be allowed or entertained unless duly applied for within three months after entry of the judgment or decree complained of Provided, That writs of certiorari addressed to the Supreme Court of the Philippine Islands may be granted if application therefor be made within six months"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1228b. Time for making application for writ of error, appeal, or certiorari for review by Supreme Court; stay pending application for certiorari; damages and costs on failure to obtain certiorari within time allowed—(a) No writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months: Provided, That for good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding sixty days by a justice of the Supreme Court.

(b) Where an application for a writ of certiorari is made with the purpose of securing a removal of the case to the Supreme Court from a circuit court of appeals or the Court of Appeals of the District of Columbia before the court wherein the same is pending has given a judgment or decree the application may be made at any time prior to the hearing and submission in that court

(d) In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to apply for and to obtain a writ of certiorari from the Supreme Court The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court, and may be conditioned on the giving of good and sufficient security, to be approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay (Feb. 13, 1925, c 229, § 8 [a, b, d], 43 Stat 940)

This section consists of paragraphs (a), (b), and (d) of § 8 of Act Feb 13, 1925, c 229, cited above. Paragraph (c) of said section 8 relates solely to the Circuit Courts of Appeals, and is set forth ante, as § 1126b

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title

As to proof of amount in controversy where appellate jurisdiction is dependent upon such amount, see § 9 of Act Feb 13, 1925, c 229, set forth ante, as § 1126c

§ 1229. (Jud. Code, § 252.) [Repealed]

This section (§ 252 of the Judicial Code) is repealed by Act Feb 13, 1925, c. 229, § 13, 43 Stat 941. It read as follows

"The Supreme Court of the United States is hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings, from the courts of bankruptcy, from which it has appellate jurisdiction in other cases; and shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia

"An appeal may be taken to the Supreme Court of the United States from any final decision of a court of appeals allowing or rejecting a claim under the laws relating to bankruptcy, under such rules and within such time as may be prescribed by said Supreme Court, in the following cases and no other:

"First Where the amount in controversy exceeds the sum of two thousand dollars, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States; or

"Second Where some justice of the Supreme Court shall certify that in his opinion the determination of the question involved in the allowance or rejection of such claim is essential to a uniform construction of the laws relating to bankruptcy throughout the United States.

"Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof, and may issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval; but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

Chapter Eleven—Provisions Common to More Than One Court

§ 1233. (Jud. Code, § 256, amended.) Exclusive jurisdiction of United States courts—The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

Second Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States

Fourth Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States, and of all proceedings for the condemnation of property taken as prize.

Fifth. Of all cases arising under the patent-right, or copyright laws of the United States

Sixth Of all matters and proceedings in bankruptcy

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.

Eighth Of all suits and proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice-consuls. (R S. § 711 March 3, 1911, c 231, § 256, 36 Stat 1160. Oct. 6, 1917, c. 97, § 2, 40 Stat 395. June 10, 1922, c. 216, § 2, 42 Stat 635)

This section was amended by Act June 10, 1922, c 216, § 2, 42 Stat 635, cited above, by changing the third paragraph so as to read as set forth above Prior to this amendment said paragraph read as follows "Third Of all civil causes of admiralty and maritime jurisdiction, saving to suitors, in all cases, the right of a common-law remedy where the common law is competent to give it, and to claimants the rights and remedies under the workmen's compensation law of any State."

§ 1233a. [Repealed.]

This section (Jan. 28, 1915, c. 22, § 5, 38 Stat 804) is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941 It read as follows

"No court of the United States shall have jurisdiction of any action or suit by or against any railroad company upon the ground that said railroad company was incorporated under an Act of Congress"

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of this title.

§ 1237. (Jud. Code, § 260, amended.) Salary of judges after resignation—When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court[s] or courts at least ten years continuously, and having attained the age of seventy years, he shall, during the residue of his natural life receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake, or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake.

In the event any circuit judge, or district judge having so held a commission or commissions at least ten years continuously, and having attained the age of seventy years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate an additional circuit judge of the circuit or district judge of the district to which such disabled judge belongs. And the judge so retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them can not agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments.

Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled. (R. S § 714. Feb. 15, 1909, c 127, 35 Stat 619 March 3, 1911, c. 231, § 260, 36 Stat. 1161. Feb 25, 1919, c. 29, § 6, 40 Stat 1157)

This section was amended by Act Feb 25, 1919, c 29, § 6, cited above, to read as set forth above This amendment consisted in adding to the section all that part following the first sentence thereof, as set forth above

Section 7 of said Act Feb 25, 1919, c 29, provides that the act shall take effect and be in force on and after the first day of the month next following its approval.

§ 1243. (Jud. Code, § 266, amended.) Injunctions; alleged unconstitutionality of State statutes—No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: Provided, however, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: Provided, That if of opinion that irreparable loss or damage

would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State Such stay may be vacated upon proof made after hearing, and notice of ten days served upon the attorney general of the State, that the suit in the State courts is not being prosecuted with diligence and good faith. The requirement respecting the presence of three judges shall also apply to the final hearing in such suit in the district court; and a direct appeal to the Supreme Court may be taken from a final decree granting or denying a permanent injunction in such suit (June 18, 1910, c. 309, § 17, 36 Stat. 557. March 3, 1911, c. 231, § 266, 36 Stat. 1162. March 4, 1913, c. 160, 37 Stat. 1013 Feb. 13, 1925, c. 229. § 1, 43 Stat. 938)

This section was again amended by Act Feb 13, 1925, c 229, § 1, cited above, by adding thereto the last sentence, as set forth above

Section 14 of said Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of this title

§ 1246. (Jud. Code, § 269, amended.) New trials; harmless error—All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law. On the hearing of any appeal, certiorari, writ of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court, without regard to technical errors, defects, or exceptions which do not affect the substantial rights of the parties. (R. S § 726 March 3, 1911, c. 231, § 269, 36 Stat. 1163. Feb. 26, 1919, c. 48, 40 Stat. 1181.)

This section was amended by Act Feb. 26, 1919, c. 48, cited above to read as set forth above. This amendment consisted in the addition of the second sentence, as set forth above.

Chapter Eleven A—Suits in Admiralty by or Against Vessels, Etc., of United States

§ 1251¼. Vessels and cargoes owned by United States; not subject to arrest or seizure by judicial process—No vessel owned by the United States or by any corporation in which the United States or its representatives shall own the entire outstanding capital stock or in the possession of the United States or of such corporation or operated by or for the United States or such corporation, and no cargo owned or possessed by the United States or by such corporation, shall hereafter, in view of the provision herein made for a libel in personam, be subject to arrest or seizure by judicial process in the United States or its possessions: Provided, That this Act shall not apply to the Panama Railroad Company. (March 9, 1920, c 95, § 1, 41 Stat. 525)

This section, and the twelve sections next following, are an act entitled 'An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes," cited above

§ 1251¼a. Same; libel in personam; vessels subject to; place for bringing suits; service of libel; cross-libel or set-off against United States; transfer of cause—In cases where if such vessel were privately owned or operated, or if such cargo were privately owned and possessed, a proceeding in admiralty could be maintained at the time of the commencement of the action herein provided for, a libel in personam may be brought against the United States or against such corporation, as the case may be, provided that such vessel is employed as a merchant vessel or is a tug boat operated by such corporation. Such suits shall be brought in the district court of the United States for the district in which the parties so suing, or any of them, reside or have their principal place of business in the United States, or in which the vessel or cargo charged with liability is found. The libelant shall forthwith serve a copy of his libel on the United States attorney for such district and mail a copy thereof by registered mail to the Attorney General of the United States, and shall file a sworn return of such service and mailing Such service and mailing shall constitute valid service on the United States and such corporation. In case the United States or such corporation shall file a libel in rem or in personam in any district, a cross-libel in personam may be filed or a set-off claimed against the United States or such corporation with the same force and effect as if the libel had been filed by a private party Upon application of either party the cause may, in the discretion of the court, be transferred to any other district court of the United States (March 9, 1920, c 95, § 2, 41 Stat. 525.)

See note to § 1251¼, ante

§ 1251¼b. Same; procedure; decree; costs; interest; appeal; change of suit to libel in rem; bond or stipulation—Such suits shall proceed and shall be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties. A decree against the United States or such corporation may include costs of suit, and when the decree is for a money judgment, interest at the rate of 4 per centum per annum until satisfied, or at any higher rate which shall be stipulated in any contract upon which such decree shall be based. Interest shall run as ordered by the court. Decrees shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. If the libelant so elects in his libel the suit may proceed in accordance with the principles of libels in rem wherever it shall appear that had the vessel or cargo been privately owned and possessed a libel in rem might have been maintained. Election so to proceed shall not preclude the libelant in any proper case from seeking relief in personam in the same suit. Neither the United States nor such corporation shall be required to give any bond or admiralty stipulation on any proceeding brought hereunder Any such bond or stipulation heretofore given in admiralty causes by the

United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation, shall become void and be surrendered and canceled upon the filing of a suggestion by the Attorney General or other duly authorized law officer that the United States is interested in such cause, and assumes liability to satisfy any decree included within said bond or stipulation, and thereafter any such decree shall be paid as provided in section 8 of this Act. (March 9, 1920, c 95, § 3, 41 Stat 526.)

See note to § 1251¼, ante

§ 1251¼c. Same; release of privately owned vessel after seizure—If a privately owned vessel not in the possession of the United States or of such corporation is arrested or attached upon any cause of action arising or alleged to have arisen from previous possession, ownership, or operation of such vessel by the United States or by such corporation, such vessel shall be released without bond or stipulation therefor upon the suggestion by the United States, through its Attorney General or other duly authorized law officer, that it is interested in such cause, desires such release, and assumes the liability for the satisfaction of any decree obtained by the libelant in such cause, and thereafter such cause shall proceed against the United States in accordance with the provisions of this Act. (March 9, 1920, c 95, § 4, 41 Stat 526)

See note to § 1251¼, ante

§ 1251¼d. Same; causes of action on which suits may be brought; limitations—Suits as herein authorized may be brought only on causes of action arising since April 6, 1917, provided that suits based on causes of action arising prior to the taking effect of this Act shall be brought within one year after this Act goes into effect, and all other suits hereunder shall be brought within two years after the cause of action arises. (March 9, 1920, c. 95, § 5, 41 Stat 526.)

See note to § 1251¼, ante

§ 1251¼e. Same; exemptions and limitations of liability—The United States or such corporation shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels. (March 9, 1920, c 95, § 6, 41 Stat. 527)

See note to § 1251¼, ante.

§ 1251¼f. Same; seizure of vessels, etc., in foreign jurisdictions; duties of consuls; bond or stipulation; judgment—If any vessel or cargo within the purview of sections 1 and 4 of this Act is arrested, attached, or otherwise seized by process of any court in any country other than the United States, or if any suit is brought therein against the master of any such vessel for any cause of action arising from, or in connection with, the possession, operation or ownership of any such vessel, or the possession, carriage, or ownership of any such cargo, the Secretary of State of the United States in his discretion, upon the request of the Attorney General of the United States, or any other officer duly authorized by him, may direct the United States consul residing at or nearest the place at which such action may have been commenced to claim such vessel or cargo as immune from such arrest, attachment, or other seizure, and to execute an agreement, undertaking, bond, or stipulation for and on behalf of the United States, or the United States Shipping Board, or such corporation as by said court required, for the release of such vessel or cargo, and for the prosecution of any appeal; or may, in the event of such suits against the master of any such vessel, direct said United States consul to enter the appearance of the United States, or of the United States Shipping Board, or of such corporation, and to pledge the credit thereof to the payment of any judgment and cost that may be entered in such suit The Attorney General is hereby vested with power and authority to arrange with any bank, surety company, person, firm, or corporation in the United States, its Territories and possessions, or in any foreign country, to execute any such aforesaid bond or stipulation as surety or stipulator thereon, and to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation The presentation of a copy of the judgment roll in any such suit, certified by the clerk of the court and authenticated by the certificate and seal of the United States consul claiming such vessel or cargo, or his successor, and by the certificate of the Secretary of State as to the official capacity of such consul shall be sufficient evidence to the proper accounting officers of the United States, or of the United States Shipping Board, or of such corporation, for the allowance and payment of such judgments: Provided, however, That nothing in this section shall be held to prejudice or preclude a claim of the immunity of such vessel or cargo from foreign jurisdiction in a proper case. (March 9, 1920, c 95, § 7, 41 Stat 527)

See note to § 1251¼, ante

§ 1251¼g. Same; judgment, award, or arbitration or settlement; payment—Any final judgment rendered in any suit herein authorized, and any final judgment within the purview of sections 4 and 7 of this Act, and any arbitration award or settlement had and agreed to under the provisions of section 9 of this Act, shall, upon the presentation of a duly authenticated copy thereof, be paid by the proper accounting officers of the United States out of any appropriation or insurance fund or other fund especially available therefor; otherwise there is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to pay any such judgment or award or settlement. (March 9, 1920, c 95, § 8, 41 Stat. 527)

See note to § 1251¼, ante

§ 1251¼h. Same; arbitration, compromise or settlement of claims—The Secretary of any department of the Government of the United States, or the United States Shipping Board, or the board of trustees of such corporation, having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suit will lie under the provisions of sections 2, 4, 7, and 10 of this Act. (March 9, 1920, c. 95, § 9, 41 Stat. 527.)

See note to § 1251¼, ante.

§ 1251¼i. Same; salvage services by vessel or crew; suits for—The United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation, shall have the right to collect and sue for salvage services rendered by such vessel and crew, and any moneys recovered therefrom by the United States for its own benefit, and not for the benefit of the crew, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such corporation, having control of the possession or operation of such vessel. (March 9, 1920, c. 95, § 10, 41 Stat 528.)

See note to § 1251¼, ante

§ 1251¼j. Same; moneys received by United States; disposition of—All moneys recovered in any suit brought by the United States on any cause of action arising from, or in connection with, the possession, operation, or ownership of any merchant vessel, or the possession, carriage, or ownership of any

cargo, shall be covered into the United States Treasury to the credit of the department of the Government of the United States, or of the United States Shipping Board, or of such aforesaid corporation, having control of the vessel or cargo with respect to which such cause of action arises, for reimbursement of the appropriation, or insurance fund, or other funds, from which the loss, damage, or compensation for which said judgment was recovered has been or will be paid. (March 9, 1920, c 95, § 11, 41 Stat. 528)

See note to § 1251¼, ante

§ 1251¼k. Same; reports by Attorney General, etc—The Attorney General shall report to the Congress at each session thereof the suits under this Act in which final judgment shall have been rendered for or against the United States and such aforesaid corporation, and the Secretary of any department of the Government of the United States, and the United States Shipping Board, and the board of trustees of any such aforesaid corporation, shall likewise report the arbitration awards or settlements of claims which shall have been agreed to since the previous session, and in which the time to appeal shall have expired or have been waived. (March 9, 1920, c. 95, § 12, 41 Stat 528)

See note to § 1251¼, ante

§ 1251¼l. Same; repeal—The provisions of all other Acts inconsistent herewith are hereby repealed. (March 9, 1920, c 95, § 13, 41 Stat. 528.)

See note to § 1251¼, ante

Chapter Eleven B—Death on the High Seas by Wrongful Act

§ 1251½. Right of action; where and by whom brought—Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued. (March 30, 1920, c. 111, § 1, 41 Stat 537.)

This section, and the seven sections next following, are an act entitled "An act relating to the maintenance of actions for death on the high seas and other navigable waters," cited above.

§ 1251½a. Amount of recovery; apportionment among beneficiaries—The recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought. (March 30, 1920, c. 111, § 2, 41 Stat. 537.)

See note to § 1251½, ante.

§ 1251½b. Limitations—Suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged, but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until ninety days after a reasonable opportunity to secure jurisdiction has offered. (March 30, 1920, c. 111, § 3, 41 Stat. 537.)

See note to § 1251½, ante.

§ 1251½c. Rights of action given by laws of foreign countries—Whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or default occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding. (March 30, 1920, c. 111, § 4, 41 Stat. 537)

See note to § 1251½, ante

§ 1251½d. Death of plaintiff pending action—If a person die as the result of such wrongful act, neglect, or default as is mentioned in section 1 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this Act for the recovery of the compensation provided in section 2. (March 30, 1920, c. 111, § 5, 41 Stat 537)

See note to § 1251½, ante.

§ 1251½e. Contributory negligence—In suits under this Act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly. (March 30, 1920, c 111, § 6, 41 Stat. 537.)

See note to § 1251½, ante

§ 1251½f. Exceptions from operation of act—The provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this Act. Nor shall this Act apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone. (March 30, 1920, c. 111, § 7, 41 Stat. 538.)

See note to § 1251½, ante.

§ 1251½g. Pending suits—This Act shall not affect any pending suit, action, or proceeding. (March 30, 1920, c 111, § 8, 41 Stat 538.)

See note to § 1251½, ante.

Chapter Eleven C—Suits In Admiralty Against United States For Damages Caused By or For Towage or Salvage Services Rendered to Public Vessels

§ 1251¾-1. Libel in admiralty against or impleader of United States—A libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: Provided, That the cause of action arose after the 6th day of April, 1920. (March 3, 1925, c 428, § 1, 43 Stat. 1112.)

This section, and the nine sections next following, are an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," cited above.

§ 1251¾-2. Venue of suit; application of Act March 9, 1920, c. 95—Such suit shall be brought in the district court of the United States for the district in which the vessel or cargo charged with creating the liability is found within the United States, or if such vessel or cargo be outside the

territorial waters of the United States, then in the district court of the United States for the district in which the parties so suing, or any of them, reside or have an office for the transaction of business in the United States; or in case none of such parties reside or have an office for the transaction of business in the United States, and such vessel or cargo be outside the territorial waters of the United States, then in any district court of the United States. Such suits shall be subject to and proceed in accordance with the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes," approved March 9, 1920, or any amendment thereof, in so far as the same are not inconsistent herewith, except that no interest shall be allowed on any claim up to the time of the rendition of judgment unless upon a contract expressly stipulating for the payment of interest (March 3, 1925, c 428, § 2, 43 Stat 1112)

See note to § 1251¾-1, ante.

§ 1251¾-3. Cross-libel or set-off or counterclaim where United States sues—In the event of the United States filing a libel in rem or in personam in admiralty for damages caused by a privately owned vessel, the owner of such vessel, or his successors in interest, may file a cross libel in personam or claim a set-off or counterclaim against the United States in such suit for and on account of any damages arising out of the same subject matter or cause of action: Provided, That whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this Act, the respondent in the cross libel shall give security in the usual amount and form to respond to the claim set forth in said cross libel unless the court, for cause shown, shall otherwise direct; and all proceedings on the original libel shall be stayed until such security shall be given. (March 3, 1925, c. 428, § 3, 43 Stat. 1112)

See note to § 1251¾-1, ante

§ 1251¾-4. Subpœnas to officers or members of crews of public vessels—No officer or member of the crew of any public vessel of the United States may be subpœnaed in connection with any suit authorized under this Act without the consent of the secretary of the department or the head of any independent establishment of the Government having control of the vessel at the time the cause of action arose, or of the master or commanding officer of such vessel at the time of the issuance of such subpœna. (March 3, 1925, c 428, § 4, 43 Stat. 1112)

See note to § 1251¾-1, ante.

§ 1251¾-5. Suits by nationals of foreign governments—No suit may be brought under this Act by a national of any foreign government unless it shall appear to the satisfaction of the court in which suit is brought that said government, under similar circumstances, allows nationals of the United States to sue in its courts. (March 3, 1925, c 428, § 5, 43 Stat. 1113)

See note to § 1251¾-1, ante

§ 1251¾-6. Arbitration, etc., by Attorney General—The Attorney General of the United States is hereby authorized to arbitrate, compromise, or settle any claim on which a libel or cross libel would lie under the provisions of this Act, and for which a libel or cross libel has actually been filed. (March 3, 1925, c. 428, § 6, 43 Stat 1113.)

See note to § 1251¾-1, ante.

§ 1251¾-7. Payment of judgments or settlements—Any final judgment rendered on any libel or cross libel herein authorized, and any settlement had and agreed to under the provisions of section 6 of this Act, shall, upon presentation of a duly authenticated copy thereof, be paid by the proper accounting officer of the United States out of any moneys in the Treasury of the United States appropriated therefor by Congress. (March 3, 1925, c. 428, § 7, 43 Stat 1113)

See note to § 1251¾-1, ante

§ 1251¾-8. No lien against public vessels—Nothing contained in this Act shall be construed to recognize the existence of or as creating a lien against any public vessel of the United States. (March 3, 1925, c. 428, § 8, 43 Stat 1113)

See note to § 1251¾-1, ante

§ 1251¾-9. Exemptions and limitations of liability—The United States shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators or agents of vessels. (March 3, 1925, c. 428, § 9, 43 Stat. 1113)

See note to § 1251¾-1, ante

§ 1251¾-10. Reports by Attorney General—The Attorney General of the United States shall report to the Congress at each session thereof all suits in which final judgment shall have been rendered and all claims which shall have been settled under this Act. (March 3, 1925, c. 428, § 10, 43 Stat. 1113)

See note to § 1251¾-1, ante

Chapter Eleven D—Arbitration Agreements—Enforcement In United States Courts

§ 1251⅛-1. "Maritime transactions" and "commerce" defined; exceptions to operation of act—"Maritime transactions," as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction, "commerce," as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce (Feb. 12, 1925, c. 213, § 1, 43 Stat 883)

This section, and the fourteen sections next following, are an act entitled "An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations," cited above.

§ 1251⅛-2. Validity, irrevocability, and enforcement of agreements to arbitrate—A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract. (Feb. 12, 1925, c. 213, § 2, 43 Stat. 883)

See note to § 1251⅛-1, ante

§ 1251⅛-3. Stay of proceedings where issue therein referable to arbitration—If any suit or

proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration (Feb. 12, 1925, c. 213, § 3, 43 Stat 883)

See note to § 1251½-1, ante

§ 1251½-4. Failure, etc., to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination—A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement Five days' notice in writing of such application shall be served upon the party in default Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. Provided, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof. (Feb. 12, 1925, c. 213, § 4, 43 Stat. 883.)

See note to § 1251½-1, ante

§ 1251½-5. Appointment of arbitrators or umpire—If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein, and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator. (Feb. 12, 1925, c. 213, § 5, 43 Stat. 884.)

See note to § 1251½-1, ante

§ 1251½-6. Application heard as motion—Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided (Feb 12, 1925, c 213, § 6, 43 Stat 884.)

See note to § 1251½-1, ante.

§ 1251½-7. Witnesses before arbitrators; fees; compelling attendance—The arbitrators selected either as prescribed in this Act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpœnas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States (Feb. 12, 1925, c 213, § 7, 43 Stat 884)

See note to § 1251½-1, ante

§ 1251½-8. Proceedings begun by libel in admiralty and seizure of vessel or property—If the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award. (Feb. 12, 1925, c. 213, § 8, 43 Stat. 884.)

See note to § 1251½-1, ante.

§ 1251½-9. Award of arbitrators; confirmation; jurisdiction; procedure—If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse

party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. (Feb. 12, 1925, c. 213, § 9, 43 Stat. 885)

See note to § 1251½-1, ante

§ 1251½-10. Same; vacation; grounds; rehearing—In either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators. (Feb. 12, 1925, c 213, § 10, 43 Stat. 885)

See note to § 1251½-1, ante

§ 1251½-11. Same; modification or correction; grounds; order—In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties. (Feb. 12, 1925, c. 213, § 11, 43 Stat. 885.)

See note to § 1251½-1, ante.

§ 1251½-12. Notice of motions; service; stay of proceedings—Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award. (Feb. 12, 1925, c. 213, § 12, 43 Stat. 885.)

See note to § 1251½-1, ante.

§ 1251½-13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement—The party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk·

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action, and it may be enforced as if it had been rendered in an action in the court in which it is entered. (Feb 12, 1925, c. 213, § 13, 43 Stat. 886.)

See note to § 1251½-1, ante.

§ 1251½-14. Citation of act—This Act may be referred to as "The United States Arbitration Act." (Feb 12, 1925, c. 213, § 14, 43 Stat 886)

See note to § 1251½-1, ante.

§ 1251½-15. Acts repealed; time of taking effect; contracts excepted—All Acts and parts of Acts inconsistent with this Act are hereby repealed, and this Act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this Act. (Feb 12, 1925, c. 213, § 15, 43 Stat. 886.)

See note to § 1251½-1, ante.

TITLE XIII—THE JUDICIARY

Chapter Thirteen—Habeas Corpus

§ 1290a. [Repealed.]

This section (R. S. § 763) is repealed by Act Feb 13, 1925, c. 229, § 13, 43 Stat. 941. It read as follows

"From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard

"1 In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

"2 In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depended upon the law of nations, or under color thereof."

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C.

§ 1290b. [Repealed.]

This section (R S § 764), and the amendment thereto by Act March 3, 1885, c. 353, 23 Stat 437, are repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941 It read as follows

"From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the preceding section"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C

§ 1290c. Habeas corpus—

(a) Review of final orders; by circuit courts of appeals; jurisdiction of circuit judge to issue writ—In a proceeding in habeas corpus in a district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had. A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district; and the order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had

(b) Review of final orders; by Court of Appeals of District of Columbia—In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the Court of Appeals of that District.

(c) Judicial Code, §§ 239, 240, applicable—Sections 239 and 240 of the Judicial Code shall apply to habeas corpus cases in the circuit courts of appeals and in the Court of Appeals of the District of Columbia as to other cases therein

(d) R. S. §§ 765, 766, and Act March 10, 1908, c. 76, applicable—The provisions of sections 765 and 766 of the Revised Statutes, and the provisions of an Act entitled "An Act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings," approved March 10, 1908, shall apply to appellate proceedings under this section as they heretofore have applied to direct appeals to the Supreme Court. (Feb. 13, 1925, c 229, § 6, 43 Stat. 940.)

This section is § 6 of Act Feb 13, 1925, c 229, cited above

Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C.

§ 1293. [Repealed in part.]

So much of this section (March 10, 1908, c 76, 35 Stat 40) as permits a direct appeal to the Supreme Court is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941 This section reads as follows:

"From a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same the said court or justice shall certify that there is probable cause for such allowance"

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C.

Chapter Fourteen—District Attorneys, Marshals, Clerks, and Other Court Officers, and Commissioners

§ 1307.

Act Feb 26, 1923, c 112, 42 Stat 1237, entitled "An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York" reads as follows

"Whenever the business of the United States district court in the southern judicial district of the State of New York shall make it necessary, in the opinion of the Attorney General, for the United States marshal to furnish greater security than the official bond now required by law, a bond in an amount not to exceed $75,000 shall be given when required by the Attorney General, who shall fix the amount thereof"

§ 1323a. Clerks; bond; renewal—The Attorney General is authorized to require the official bonds of clerks of United States courts to be renewed every four years, and to fix the amounts of such bonds within statutory limits. Failure to take such action shall not affect the liability under such bonds, but upon failure or refusal of any clerk to execute such new bond or bonds his office shall be deemed vacant by order of the President and so declared by the district attorney in open court. (July 1, 1918, c. 113, § 1, 40 Stat 683)

From the sundry civil appropriation act for the year 1919, cited above.

§ 1340a. Law books for judges transmitted to successors—For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, including not to exceed $2,500 for the purchase of the Federal Reporter, and continuations thereof as issued, to be expended under the direction of the Attorney General: Provided, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States" [illegible] (June 1, 1922, c 204, title II, 42 Stat. 617. Jan. 3, 1923, c. 21, title II, 42 Stat 1084. May 28, 1924, c 204, title II, 43 Stat. 221. Feb. 27, 1925, c. 364, title II, 43 Stat 1031)

From the Departments of State and Justice, the Judiciary, and the Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provision is contained in prior acts

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c. 556, § 1, 43 Stat. 1333, contains the following provisions

"For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the libraries of the United States Circuit Courts of Appeals, and including the purchase of United States Supreme Court Reports and the Federal Reporter, to be expended under the direction of the Attorney General but subject to the approval of the conference of senior circuit judges established by section 2 of the Act of September 14, 1922 (Forty-second Statutes at Large, page 837) Provided, That such books shall in all cases be transmitted to their successors in office, all books purchased thereunder to be marked plainly 'The property of the United States,' fiscal years 1925 and 1926, $100,000."

Chapter Sixteen—Fees and Compensation of Officers

CLERKS' COMPENSATION

§ 1383. [Superseded in part.]

This section (R. S. 828) is superseded in part by §§ 1383a-1383h, post.

§ 1383a. Fees of clerks of district courts; acts repealed; acts not affected; United States not liable for fees—The fees hereinafter provided for, and no other, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants: Provided,

That all laws or parts of laws inconsistent or repugnant to the provisions of this Act are hereby repealed, but nothing in this Act shall repeal or in any way enlarge or modify the provisions of the Act of July 20, 1892 (Twenty-seventh United States Statutes at Large, page 252), as amended by the Act of June 25, 1910, (Thirty-sixth United States Statutes at Large, page 866), and the Act of June 27, 1922 (Forty-second United States Statutes at Large, page 666). Provided further, That the United States shall not be required to pay any sum or fee herein provided for. (Feb. 11, 1925, c 204, § 1, 43 Stat. 857)

This section, and the seven sections next following, are an act entitled "An act to provide fees to be charged by clerks of the district courts of the United States," cited above Section 9 of said act provides that the act shall take effect on and after July 1, 1925

For Act July 20, 1892, c 209, as amended, see U. S Comp St 1918, §§ 1626-1630, and post, § 1626

§ 1383b. Same; on institution of suit or proceeding—Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of $5. (Feb. 11, 1925, c. 204, § 2. 43 Stat. 857.)

See note to § 1383a, ante

§ 1383c. Same; on filing answer or paper joining issue, or entering order for trial; on entering plea of guilty—Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk, from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding, the further sum of $5: Provided, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross-petitioner, intervenor, or party, other defendants, cross-petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of $2, for each answer or paper so filed. And provided further, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case, a fee of $5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him. (Feb. 11, 1925, c. 204, § 3, 43 Stat. 857)

See note to § 1383a, ante

§ 1383d. Same; on entry of judgment, decree, or final order—Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of $5: Provided, however, That in any criminal case the clerk shall not be required to account for any such fee not collected by him. (Feb. 11, 1925, c. 204, § 4, 43 Stat. 857)

See note to § 1383a, ante

§ 1383e. Same; on filing petition for appeal or writ of error—Upon the filing of any petition for appeal or writ of error to any Circuit Court of Appeals or the Supreme Court of the United States there shall be charged and collected by the clerk, from the party or parties prosecuting such appeal or writ of error, an additional fee in said suit or proceeding of $5. (Feb. 11, 1925, c. 204, § 5, 43 Stat. 857.)

See note to § 1383a, ante

§ 1383f. Same; on filing petition or application for habeas corpus, or appeal from deportation order—Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk, from the petitioner or applicant, as full payment for all services performed or to be performed by him in said proceeding, the sum of $5: Provided, That if an appeal is prosecuted from the order of the district court in said proceeding, then and in that event the additional sum of $5, as provided in section 4 of this Act, shall be charged and collected by the clerk. (Feb. 11, 1925, c 204, § 6, 43 Stat. 857.)

See note to § 1383a, ante

§ 1383g. Same; for each additional trial or final hearing upon reversal by Circuit Court of Appeals or Supreme Court or disagreement by jury; on grant of new trial or rehearing—For each additional trial or final hearing, upon a reversal by a Circuit Court of Appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk, from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of $5: Provided, however, That the clerk shall not be required to account for any such fee not collected by him in any criminal case: Provided further, That nothing herein contained shall prohibit the court from directing by rule or standing order, the collection at the time the services are rendered of the fees herein enumerated, from either party, but all such fees shall be taxed as costs in the respective cases. (Feb 11, 1925, c 204, § 7, 43 Stat. 857)

See note to § 1383a, ante

§ 1383h. Same; additional fees enumerated—In addition to the fees for services rendered in cases, hereinbefore enumerated, the clerk shall charge and collect, for miscellaneous services performed by him, and his assistants, except when on behalf of the United States, the following fees:

1 For issuing any writ or a subpœna for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.

2 For filing and indexing any paper, not in a case or proceeding, 25 cents.

3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.

4. For an acknowledgment, certificate, affidavit or countersignature, with seal, 50 cents.

5. For taking and certifying depositions to file, 20 cents for each folio of one hundred words, and if taken stenographically, 15 cents per folio additional, for the stenographer

6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of one hundred words.

7. For filing præcipe or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.

8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per centum of the amount so received, kept and paid out, or of the face value of such bonds or securities.

9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of one hundred words

10. For preparation and mailing notices in bankruptcy, 10 cents each for the first twenty notices and

5 cents for each additional notice: Provided, That this fee shall cover and include all services and expenses in connection therewith. And provided further, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.

11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of one hundred words.

12 For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of one hundred words.

13 For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of one hundred words: Provided, however, That when any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case

14. For admission of attorneys to practice, $1 each, for certificate of admission to be furnished upon request, $2 additional.

15. For making any record not in a case and not provided for in this Act, 15 cents for each folio of one hundred words. (Feb. 11, 1925, c. 204, § 8, 43 Stat. 858)

See note to § 1383a, ante.

§ 1384. [Superseded]

This section (Act June 28, 1902, c 1301, § 1, 32 Stat. 476) is superseded by § 1383h, ante

§ 1385a. Clerks of district courts; appointment; salaries in lieu of fees; collection and disposition of fees—On and after the 1st day of July, 1918, all clerks of the United States district courts shall be appointed by the judge for the district, or the senior judge if there be more than one judge in the district, and all fees and emoluments authorized by law to be paid to the clerks of the United States district courts, except the clerks of the district courts of Alaska, shall be charged as heretofore and shall be collected, as far as possible, and paid into the Treasury of the United States in such manner and at such times as hereinafter provided; and such clerks shall be paid, in lieu of the fees and emoluments now allowed by law, an annual salary as hereinafter provided: Provided, That this section shall not be construed to require or authorize fees to be charged or collected from the United States. (Feb. 26, 1919, c. 49, § 1, 40 Stat. 1182, amended, Feb. 11, 1921, c. 46, 41 Stat. 1099.)

This section, and §§ 1385b, 1385c, 1385d-1385i, post, are an act entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," cited above.

This section was amended by Act Feb. 11, 1921, c. 46, cited above by striking out after the words "if there be more than one judge in the district," the words "subject to the approval of the senior circuit judge for the circuit in which the district is situated"

The sundry civil appropriation act for the year 1920, Act July 19, 1919, c. 24, § 1, 41 Stat., 210, provides that this act (Act Feb 26, 1919, c 49, 40 Stat. 1182) "shall become effective on July 1, 1919."

§ 1385aa. Same; act applicable to clerks of Supreme Court of District of Columbia and United States district courts for Hawaii and Porto Rico—Provisions of the Act entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," approved February 26, 1919, shall be applicable on and after July 1, 1921, to the clerk of the Supreme Court of the District of Columbia, excepting that said clerk shall be appointed as heretofore by said Court in General Term, and to the clerks of the district courts of the United States for Hawaii and Porto Rico (March 4, 1921, c. 161, § 1, 41 Stat. 1412)

From the sundry civil appropriation act for the year 1922, cited above

The same provision is contained in a prior act.

§ 1385b. Same; salaries; amount—The clerk of the United States district court for each of the judicial districts of the United States, except the clerks of the district courts of Alaska, shall be paid, in lieu of the fees, salaries, and per centum now allowed by law, an annual salary to be fixed by the Attorney General at not less than $2,500 nor more than $5,000, based in each instance upon the amount of business transacted by the court and the fees and the emoluments received by the clerks in the four years last preceding. (Feb. 26, 1919, c. 49, § 2, 40 Stat 1182)

See note to § 1385a, ante

§ 1385bb. Same; change in salaries—The Attorney General is hereby authorized and empowered to increase or decrease the salary of any clerk of a United States district court within the limits prescribed by the Act approved February 26, 1919, whereupon investigation the Attorney General finds that there has been such material increase or decrease in the volume of business transacted in any such district when contrasted with the volume of business upon which the said salaries have been heretofore fixed, as to justify such increase or decrease, but in all cases the said increase or decrease shall be based upon the amount of business transacted by the court and the fees and emoluments collected by the clerks and by them paid into the Treasury of the United States during the four years last preceding the time of such increase or decrease of salary to be made by the Attorney General under the power hereby conferred: Provided, That no change in the salary of any clerk having been hereafter fixed under power hereby conferred shall be made until after the lapse of four years from the date of such change. (April 26, 1922, c 146, 42 Stat. 500)

This section is an act entitled "An act to empower the Attorney General of the United States to fix the compensation of the clerks of the United States district courts," cited above.

§ 1385c. Same; traveling expenses—When any clerk of a district court is necessarily absent from his official residence on any official business he shall be allowed his actual traveling expenses only and his necessary and actual expenses for lodging and subsistence, the latter not to exceed $4 per day. (Feb 26, 1919, c. 49, § 3, 40 Stat. 1182.)

See note to § 1385a, ante.

§ 1385cc. Same; per diem in lieu of subsistence—Per diem in lieu of subsistence may be granted to clerks of United States district courts, their deputies and other assistants, instead of, but at the rates prescribed and under conditions applicable to the allowance for actual expenses of subsistence, as provided in said Act. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 338)

From the deficiency appropriation act for the year 1920, Act Nov. 4, 1919, c. 93, § 1, cited above.

§ 1385d. Same; deputies and clerical assistants; compensation; traveling expenses—When, in the opinion of the Attorney General, the public interest requires it he may, on the recommendation of the clerk of a district court, which recommendation shall state facts (as distinguished from conclusions) showing necessity for the same, allow such clerk to employ necessary deputies and clerical assistants, upon compensation to be fixed by the Attorney General from time to time and paid as hereinafter provided.

When any such deputy or clerical assistant is necessarily absent from the place of his regular employment on official business he shall be allowed his actual

traveling expenses only and his necessary and actual expenses for lodging and subsistence, the latter not to exceed $3 per day. (Feb. 26, 1919, c 49, § 4, 40 Stat. 1182)

See note to § 1385a, ante

§ 1385e. Same; office expenses—The necessary office expenses of the clerks of the district courts of the United States shall be allowed when authorized by the Attorney General. (Feb. 26, 1919, c. 49, § 5, 40 Stat. 1182)

See note to § 1385a, ante

§ 1385f. Same; salaries; when and by whom payable—The salaries of the clerks, deputy clerks, and clerical assistants to the clerks of the district courts shall be paid monthly by the marshals of the respective districts. (Feb. 26, 1919, c. 49, § 6, 40 Stat 1182)

See note to § 1385a, ante

§ 1385g. Same; expense accounts; payment—The expense accounts of clerks of the United States district courts, when made out and verified, and the expense accounts of their deputy clerks and clerical assistants, when made out and certified as correct by the clerk of such court, covering the necessary expenses incurred by such clerk, deputy clerk, or clerical assistants when necessarily absent from the place of regular employment on official business, shall be paid by the marshal, who shall include them in his accounts with the United States (Feb. 26, 1919, c 49, § 7, 40 Stat 1182)

See note to § 1385a, ante

§ 1385h. Same; office expenses; payment—The necessary office expenses of the clerk of the United States district court, as allowed and authorized by the Attorney General, shall be paid by the marshal and included in his accounts with the United States. (Feb. 26, 1919, c. 49, § 8, 40 Stat 1182.)

See note to § 1385a, ante

§ 1385i. Same; accounts—The clerk of every district court, except the clerks of the district courts of Alaska, shall account quarterly for all the fees and emoluments earned during the quarter last preceding such accounting, except where the person requiring the services is relieved by law from prepayment of fees and costs, and for all fees and emoluments received within the quarter which had been earned prior thereto. Such accounting shall be in writing and shall be made to the Attorney General, in such form as he may prescribe, on the first days of January, April, July, and October in each year, or within twenty days thereafter, and shall include all moneys received in connection with the admission of attorneys to practice in the court, all that portion retained by the clerk of moneys received for services in naturalization proceedings in whatever capacity rendered, and all other amounts received for services in any way connected with the clerk's office. Such accounts shall be made in duplicate and be verified by the oath of the officer making them. The Attorney General shall cause each such return or account to be carefully examined by the proper officer of the Department of Justice and shall approve the same as he may deem just and proper, and shall transmit it with his approval to the Auditor for the State and Other Departments, by whom an account shall be stated against the officer rendering such return or account. Immediately upon receipt of notice from the auditor, or within ten days thereafter, the clerk shall deposit to the credit of the Treasurer of the United States the amount so stated against him. (Feb. 26, 1919, c. 49, § 9, 40 Stat. 1183.)

See note to § 1385a, ante.

§ 1385j. Same; compensation from other offices prohibited—No clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be appointed by the court, other than that received as such clerk, deputy clerk, or assistant whether from the United States or from private litigants. (March 4, 1921, c 161, § 1, 41 Stat 1413)

From the sundry civil appropriation act for the year 1922, cited above.

RETURNS OF FEES, EMOLUMENTS, AND EXPENSES, AND COMPENSATION AND ACCOUNTS OF OFFICERS

§ 1404b. Acceptance of payment for personal services from private litigants by clerks of district courts, etc.—For salaries of clerks of United States district courts, their deputies, and other assistants * * The acceptance of payment for personal services from private litigants shall be deemed a vacation of their appointments as clerks, deputy clerks, or clerical assistants. (June 16, 1921, c. 23, § 1, 42 Stat. 41.)

From the "Second Deficiency Act, fiscal year 1921," cited above

§ 1409a. Clerks of circuit courts of appeals; travel expenses—After July 1, 1919, only actual expenses of travel and expenses of lodging and subsistence, not to exceed $5 per day, shall be allowed any clerk of a United States circuit court of appeals when absent from his official residence on official business. (July 19, 1919, c. 24, § 1, 41 Stat. 210)

This section is a provision of § 1 of the sundry civil appropriation act for the fiscal year 1920, cited above

§ 1409aa. Same; allowance and payment of office expenses, personal compensation, etc.—From and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business shall be allowed after authorization and approval by the Attorney General, and shall be paid from this appropriation by the respective United States marshals designated by the Attorney General. * * (June 1, 1922, c. 204, title II, 42 Stat 616)

From the State, Justice, and Judiciary appropriation act for the year 1923, cited above

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c. 364, title II, 43 Stat. 1030, contains the following "For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the Act approved February 26, 1919, and the Act approved June 1, 1922, making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, * * . Provided, That per diem in lieu of subsistence not to exceed $4 may be granted to deputy clerks and clerical assistants to clerks of United States district courts, instead of but under conditions applicable to the allowance for actual expenses of subsistence, as provided in the above-mentioned Act of February 26, 1919."

§ 1409b. Same; limitation in salaries—The salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts. * * (June 1, 1922, c. 204, title II, 42 Stat. 616.)

From the State, Justice, and Judiciary appropriation act for the year 1923, cited above.

§ 1412a. Compensation of clerks of district courts as United States commissioners—Clerks of United States district courts, their deputies and assistants, who are or may be appointed United States commissioners, may receive compensation for both offices in an aggregate amount not exceeding the rate of

$2,000 per annum. * * (June 16, 1921, c. 23, § 1, 42 Stat 41.)

From the "Second Deficiency Act, fiscal year 1921," cited above

SALARIES AND EXPENSES OF DISTRICT ATTORNEY AND MARSHALS

§ 1418.

This section is made applicable to the district attorney for the District of Columbia and his assistants, by a provision of Act July 19, 1919, c 24, § 1, post, § 1418a.

§ 1418a. District Attorney for District of Columbia and assistants—From and after July 1, 1919, sections 6, 8, 13, 14, 15, 16, and 18 of the Legislative, Executive, and Judicial Appropriation Act, approved May 28, 1896, shall be applicable to the office of the district attorney for the District of Columbia and his assistants. Certificates to the effect that the public interest requires the appointment of assistants to the said district attorney shall be made by the chief justice of the Supreme Court of the District of Columbia and the district attorney The district attorney shall be paid a salary of $6,000 per annum in full compensation for all his official services and his principal assistant shall be paid a salary not in excess of $4,000 per annum, as the Attorney General may from time to time determine (July 19, 1919, c 24, § 1, 41 Stat. 209)

From the sundry civil appropriation act for the year 1920, cited above

§ 1419. [Superseded]

This section (Act May 28, 1896, c 252, § 7, 29 Stat 180) is superseded by § 1419a, post

§ 1419a. Salaries of United States attorneys and marshals—The salaries of the United States attorneys and United States marshals for the several judicial districts of the United States shall be fixed by the Attorney General beginning July 1, 1923, at rates not less than $3,000 nor more than $7,500 per annum for attorneys and at rates not less than $3,000 nor more than $6,500 per annum for marshals, the amount to be based in each instance upon the business transacted during the four years ending June 30, 1923: Provided, That the salaries of the United States attorney for the southern district of New York, the northern district of Illinois, and the District of Columbia may be fixed at rates not exceeding $10,000 per annum for each of said districts.

The Attorney General may increase or decrease any of the salaries fixed, as aforesaid, within the limits prescribed in the foregoing section if, upon investigation, he finds that there has been a material increase or decrease in the volume of business transacted: Provided, That no salary fixed under the provisions of this Act shall be changed more than once in any four years.

All laws or parts of laws, in so far as they are in conflict with the provisions of this Act, are hereby repealed. (March 4, 1923, c. 295, 42 Stat. 1560.)

This section is an act entitled "An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits," cited above

§ 1420.

This section is made applicable to the district attorney for the District of Columbia and his assistants, by a provision of Act July 19, 1919, c. 24, § 1, ante, § 1418a

§ 1420a. Assistant district attorneys; compensation—For regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation * * (June 1, 1922, c. 204, title II, 42 Stat. 616 Jan. 3, 1923, c. 21, title II, 42 Stat. 1083. May 28, 1924, c 204, title II, 43 Stat. 220. Feb. 27, 1925, c. 364, title II, 43 Stat. 1029)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above A similar provision is contained in prior acts.

§ 1420aa. District attorneys and assistants; per diem in lieu of subsistence—United States district attorneys and their regular assistants may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for, the present allowance for actual expenses of subsistence * * (June 1, 1922, c. 204, title II, 42 Stat 616 Jan. 3, 1923, c. 21, title II, 42 Stat. 1083. April 2, 1924, c. 81, 43 Stat. 44 May 28, 1924, c. 204, title II, 43 Stat. 220. Feb 27, 1925, c. 364, title II, 43 Stat. 1029)

From the Departments of State, and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 1424a. Marshals; per diem—Marshals and office deputy marshals (except in the District of Alaska) may be granted a per diem of not to exceed $4 in lieu of subsistence, instead of, but under the conditions prescribed for the present allowance for actual expenses of subsistence. * * (June 1, 1922, c 204, title II, 42 Stat 615. Jan 3, 1923, c 21, title II, 42 Stat 1083 May 28, 1924, c. 204, title II, 43 Stat. 220. Feb. 27, 1925, c. 364, title II, 43 Stat. 1029)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§§ 1425-1428.

These sections are made applicable to the district attorney for the District of Columbia and his assistants, by a provision of Act July 19, 1919, c 24, § 1, ante, § 1418a

§ 1432a. District attorneys; District of Columbia; subsistence—After July first, nineteen hundred and eighteen, the maximum allowance for actual expenses of subsistence to the United States attorney for the District of Columbia and his assistants, when absent from the District of Columbia on official business, shall be $4 per day. (July 1, 1918, c. 113, § 1, 40 Stat. 683.)

From the sundry civil appropriation act for the year 1919, cited above.

§ 1448. District attorneys; District of Columbia; payment to deputies—The United States district attorney for the District of Columbia shall hereafter pay to his deputies or assistants not exceeding in all $15,000 per annum; also his clerical and messenger hire not exceeding $10,000; office rent, fuel, stationery, printing, and other incidental expenses not exceeding $2,500, out of the fees of his office: Provided, That no expenses other than those above specified shall be allowed. (July 1, 1918, c. 113, § 1, 40 Stat 683.)

From the sundry civil appropriation act for the year 1919, cited above It has been repeated in prior appropriation acts

§ 1450b. District attorneys; district of Connecticut; salary—From and after the passage of this Act the salary of the United States district attorney for the district of Connecticut shall be at the rate of $4,500 a year. (Feb. 26, 1919, c. 51, 40 Stat. 1183)

This section is an act entitled "An act to increase the salary of the United States District Attorney for the district of Connecticut," cited above.

COMMISSIONERS' FEES

§ 1451a. National Park Commissioners; salaries—National Park Commissioners. For the salaries of the Commissioners in the Crater Lake, Glacier, Mount Rainier, Yellowstone, Yosemite, and Sequoia and General Grant National Parks, $11,160, which shall be in lieu of all fees and compensation heretofore authorized. (June 1, 1922, c. 204, title II, 42 Stat. 614. Jan. 3, 1923, c. 21, title II, 42 Stat. 1081.

May 28, 1924, c. 204, title II, 43 Stat. 219 Feb. 27, 1925, c. 364, title II, 43 Stat 1028)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

WITNESSES' FEES

§ 1452.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan 22, 1925, c 87, title I, 43 Stat 774, makes an appropriation for suppressing counterfeiting and other crimes, and provides that no part of such appropriation shall be used "in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for 'Fees of witnesses, United States courts'"

§ 1455.

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c. 556, § 1, 43 Stat. 1333, contains the following provision "For fees of witnesses and for payment of the actual expenses of witnesses, as provided by section 850, Revised Statutes of the United States, including the fees and expenses of witnesses on behalf of the Government before the Boards of United States General Appraisers, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided in section 850, Revised Statutes of the United States, fiscal year 1925, $63,000"

Chapter Seventeen—Evidence

§ 1487. Witnesses; subpœnas; may run into another district—Subpœnas for witnesses who are required to attend a court of the United States in any district, may run into any other district Provided, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia (R. S. § 876, amended, Sept 19, 1922, c. 344, 42 Stat. 848.)

For this section, prior to its amendment, by Act Sept 19, 1922, c 344, cited above, see U S Comp St. 1918, § 1487. This amendatory act also contains the following provision limiting the effective time of the amendment "This amendment shall be effective for a period of three years after the date of the passage of this Act, after which section 876 as it exists in the present law shall be and remain in full force and effect" This limiting provision is amended by Act March 4, 1925, c. 526, § 2, 43 Stat 1265, to read as follows.

"This amendment shall be effective for a period of six years after September 19, 1922, after which section 876 as it exists in the present law shall be and remain in full force and effect."

§ 1505. Copies of records, etc., of Patent-Office—Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office, of letters patent, of certificates of registration of trademarks, labels, or prints, authenticated by the seal of the Patent Office and certified by the commissioner thereof, or in his name attested by a chief of division duly designated by the commissioner, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof. (R. S. § 892, amended, March 4, 1925, c. 535, § 2, 43 Stat. 1269.)

This section was amended by Act March 4, 1925, c. 535, § 2, cited above, to read as set forth above.

§ 1532. [Repealed.]

This section (R. S. § 909), was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841a-1.

Chapter Eighteen—Procedure

§ 1574. [Repealed in part.]

So much of this section (March 3, 1887, c. 359, § 4, 24 Stat. 506) as provides for a review by the Supreme Court on writ of error or appeal in the cases named therein is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941. This section reads as follows

"The jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, in so far as the same is applicable and not inconsistent with the provisions of this act, and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt"

Section 14 of Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C.

§ 1578. [Repealed in part]

So much of this section (March 3, 1887, c 359, § 10, 24 Stat 507) as provides for a review by the Supreme Court on writ of error or appeal in the cases named therein is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941 This section reads as follows

"When the findings of fact and the law applicable thereto have been filed in any case as provided in section six of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same, whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not, and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same Provided, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit From the date of such final judgment or decree interest shall be computed thereon, at the rate of four per centum per annum, until the time when an appropriation is made for the payment of the judgment or decree"

Section 14 of Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C

§ 1592. Death of parties—When either of the parties, whether plaintiff or petitioner or defendant, in any suit in any court of the United States, dies before final judgment; the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly, and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

The provisions of this section shall apply to suits in equity and in admiralty as well as to suits at law, and the jurisdiction of all courts of the United States shall extend to and over executors and administrators of any party, who dies before final judgment or decree, appointed under the laws of any State or Territory of the United States, and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias

to executors and administrators appointed in any State or Territory of the United States which may be served in any judicial district by the marshal thereof: Provided, however, That no executor or administrator shall be made a party unless such service is made before final settlement and distribution of the estate of said deceased party to the suit (R S § 955, amended, Nov 23, 1921, c 142, § 1, 42 Stat 323, and Dec 22, 1921, c. 18, 42 Stat 352.)

This section was amended by Act Nov 23, 1921, c 142, § 1, cited above, by adding thereto the second paragraph of the section as set forth above
It was again amended by Res Dec 22, 1921, c 18, cited above, by striking out, after the words "appointed under the laws of any State or Territory of United States," the words "in which the action is pending" See post, § 1592a.

§ 1592a. Same; parties dying prior to amendment of preceding section—The provisions of section 955 of the Revised Statutes of the United States as amended by this Act shall apply to suits in which any party has deceased prior to the passage of this amendatory Act as well as to suits in which any party may die hereafter. (Nov 23, 1921, c 142, § 2 42 Stat. 324, amended, Dec. 22, 1921, c. 18, 42 Stat 352)

This section is § 2 of Act Nov 23, 1921, c 142, 42 Stat. 323 (amendatory of R S § 955). No change in this section is made by the amendment of Res. Dec 22, 1921, c 18, 42 Stat 352, cited above See ante, § 1592.

§ 1594. [Repealed.]

This section (Feb 8, 1899, c 121, 30 Stat 822) is repealed by Act Feb. 13, 1925, c 229, § 13, 43 Stat 941 It read as follows
"No suit, action, or other proceeding lawfully commenced by or against the head of any Department or Bureau or other officer of the United States in his official capacity, or in relation to the discharge of his official duties, shall abate by reason of his death, or the expiration of his term of office, or his retirement, or resignation, or removal from office, but, in such event, the Court, on motion or supplemental petition filed, at any time within twelve months thereafter, showing a necessity for the survival thereof to obtain a settlement of the questions involved, may allow the same to be maintained by or against his successor in office, and the Court may make such order as shall be equitable for the payment of costs"
Section 14 of said Act Feb 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect
See, also, note at the beginning of title XII C

§ 1594a. Survival of actions, suits, or proceedings—

(a) By or against officer of United States, District of Columbia, Canal Zone, or territory or insular possession of United States, or of county, etc., of such territory or insular possession—Where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) By or against officer of State, county, city, etc.—Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Notice of application for substitution of parties—Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have. (Feb. 13, 1925, c. 229, § 11, 43 Stat 941)

This section is § 11 of Act Feb 13, 1925, c 229, cited above Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect
See, also, note at the beginning of title XII C.

JUDGMENTS, COSTS, EXECUTIONS, AND MONEYS PAID INTO COURT

§ 1607. Indices of judgment debtors to be kept by clerks—The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public (Aug 1, 1888, c 729, § 2, 25 Stat 357, amended, Feb 7, 1925, c 149, 43 Stat 813)

This section is amended by Act Feb. 7, 1925, c. 149, cited above to read as set forth above

§ 1609a. Costs of keeping vessels or other property attached or libeled in admiralty— * * There shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow. * * (June 1, 1922, c. 204, title II, 42 Stat. 615. Jan. 3, 1923, c. 21, title II, 42 Stat. 1083. May 28, 1924, c. 204, title II, 43 Stat. 220. Feb. 27, 1925, c. 361, title II, 43 Stat. 1029.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above, accompanying an appropriation for salaries, fees, and expenses of United States marshals and their deputies The same provision is contained in prior acts.

§ 1626. Suits, etc., by poor persons—Any citizen of the United States entitled to commence any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error or an appeal to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon suing out a writ of error or appealing, upon filing in said court a statement under oath in writing, that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks in such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action, or appeal: Provided, That in any criminal case the court may, upon the filing in said court of the affidavit hereinbefore mentioned, direct that the expense of printing the record on appeal or writ of error be paid by the United States, and the same shall be paid when authorized by the Attorney General. (July 20, 1892, c. 209, § 1, 27

Stat 252, amended, June 25, 1910, c. 435, 36 Stat. 866, and June 27, 1922, c 246, 42 Stat 666)

For this section prior to its amendment by Act June 27, 1922, c 246, see U S Comp St 1918, § 1626.

§ 1630a. Suits by seamen without prepayment of or bond for costs—Courts of the United States, including appellate courts, hereafter shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety. (July 1, 1918, c. 113, § 1, 40 Stat. 683)

From the sundry civil appropriation act for the fiscal year 1919, cited above. It has been repeated in prior appropriation acts

PROCEDURE ON ERROR AND APPEAL

§ 1649a. [Repealed]

This section (Sept 6, 1916, c 448, § 4, 39 Stat 727) is repealed by Act Feb 13, 1925, c. 229, § 13, 43 Stat 941. It read as follows

"No court having power to review a judgment or decree rendered or passed by another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out, but when such mistake or error occurs it shall disregard the same and take the action which would be appropriate if the proper appellate procedure had been followed"

Section 14 of Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C

§ 1649b. Dismissal of appeal or writ of error because of error in procedure—No court having power to review a judgment or decree of another shall dismiss a writ of error solely because an appeal should have been taken, or dismiss an appeal solely because a writ of error should have been sued out; but where such error occurs the same shall be disregarded and the court shall proceed as if in that regard its power to review were properly invoked. (Feb. 13, 1925, c. 229, § 10, 43 Stat. 941.)

This section is § 10 of Act Feb 13, 1925, c 229, cited above

Section 14 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C.

Chapter Nineteen—Limitations

§ 1708. Offenses not capital—No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed: Provided, however, That in offenses involving the defrauding or attempts to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, and now indictable under any existing statutes, the period of limitation shall be six years. This Act shall apply to acts, offenses, or transactions where the existing statute of limitations has not yet fully run, but this proviso shall not apply to acts, offenses, or transactions which are already barred by the provisions of existing laws. (R. S. § 1044, amended, April 13, 1876, c. 56, 19 Stat. 32, and Nov. 17, 1921, c. 124, § 1, 42 Stat 220)

This section was amended by Act Nov 17, 1921, c 124, § 1, cited above, by omitting the last sentence thereof, as originally enacted, reading "But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provisions of existing laws," and by substituting therefor the matter set forth above, beginning with the words "Provided, however." Section 2 of said Act Nov 17, 1921, c. 124, provides that the act shall be in force and effect from and after the date of its passage

§ 1711. Crimes under internal revenue laws—No person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within three years next after the commission of the offense: Provided, That for offenses involving the defrauding or attempting to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, the period of limitation shall be six years, but this proviso shall not apply to acts, offenses, or transactions which were barred by law at the time of the enactment of the Revenue Act of 1924: Provided further, That the time during which the person committing the offense is absent from the district wherein the same is committed shall not be taken as any part of the time limited by law for the commencement of such proceedings Provided further, That the provisions of this Act shall not apply to offenses committed prior to its passage. Provided further, That where a complaint shall be instituted before a commissioner of the United States within the period above limited, the time shall be extended until the discharge of the grand jury at its next session within the district: And provided further, That this Act shall not apply to offenses committed by officers of the United States (July 5, 1884, c 225, § 1, 23 Stat 122, amended, Nov 23, 1921, c 136, § 1321(a), 42 Stat 315, and June 2, 1924, 4.01 p m., c. 234, § 1010(a), 43 Stat. 341.)

This section is § 1010(a) of Title X of the Revenue Act of 1924, cited above, amending Act July 5, 1884, c 225, § 1, as amended Section 1321(a) of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, § 1321(a) 42 Stat. 315) also amending this section, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t

§ 1711a. Same; prosecutions instituted prior to amendment of preceding section—Any prosecution or proceeding under an indictment found or information instituted prior to the enactment of the Revenue Act of 1921 shall not be affected in any manner by this section, nor by the amendment by the Revenue Act of 1921 of such Act of July 5, 1884, but such prosecution or proceeding shall be subject to the limitations imposed by law prior to the enactment of the Revenue Act of 1921. (June 2, 1924, 4:01 p. m., c. 234, § 1010(b), 43 Stat. 342.)

This section is § 1010(b) of Title X of the Revenue Act of 1924, cited above

The corresponding provision in § 1321(b) of the Revenue Act of 1921 (Act Nov 23, 1921, c. 136, § 1321(b), 42 Stat. 315) was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t.

§ 1713. [Repealed]

This section (Act June 22, 1874, c 391, § 22, 18 Stat. 190) was repealed by Act Sept. 21, 1922, c. 356, title IV, § 643, post, § 5841i-2.

TITLE XIV—THE ARMY

Act June 3, 1916, c 134, 39 Stat 166, entitled "An act for making further and more effectual provision for the national defense and for their purposes," consists of 128 sections.

Act July 8, 1918, c 143, 40 Stat 845, being the Army appropriation act for the fiscal year 1919, consists of twenty subchapters, some of which contain numbered sections. Subchapter I contains the provisions usually found in the Army appropriation acts. Subchapter XVII consists of amendments to Act June 3, 1916, c 134 The other subchapters contain matters relative to the military activities of the United States consequent upon our entry into the World War.

Act June 4, 1920, c. 227, 41 Stat. 759, entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," consists of two subchapters Subchapter I consists of amendments to Act June 3, 1916, c. 134, and subchapter II consists of the new Articles of War

These acts, as subsequently amended and supplemented, together with Act June 10, 1922, c. 212, 42 Stat. 625, en-

titled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," and the provisions of the War Department Appropriation Act for the fiscal year 1923, Act June 30, 1922, c 253, 42 Stat. 716, constitute the bulk of the recent law dealing with the Army.

The Act of June 3, 1916, c 134, as amended, particularly by the Act of June 4, 1920, c 227, has not been expressly repealed, but its operative effect has been curtailed by the limitations placed upon the strength of the personnel of the Army by the subsequent acts of Congress, notably the War Department Appropriation Act for the fiscal year 1923, Act June 30, 1922, c 253 Since said Act June 3, 1916, c 134, as amended, has not been expressly repealed, and because its provisions may become wholly operative again if the personnel of the Army were to be increased, it is set forth in this supplement as follows Ante, §§ 312a, 334b-334f, 345a, and post, §§ 1715a, 1717a, 1717b, 1717b(1), 1717b(2), 1717b(3), 1717b(4), 1718, 1724a, 1731a, 1736a, 1738a, 1742a, 1753a, 1758a, 1758aa, 1762a, 1762a(1), 1762a(2), 1762a(3), 1762a(3½), 1762a(4), 1762a(5), 1762a(6), 1762a(7), 1762a(8), 1762a(9), 1762a(10), 1763b, 1764, 1771, 1775a, 1775b, 1784, 1784a(1), 1784a(2) 1788c, 1806, 1807a, 1807aaa, 1807aaa(1), 1807aaa(2), 1807aaa(3), 1807aaa(4), 1807aaa(5), 1807aaa(6), 1807aaa(7), 1807aaa(8), 1807aaa(9), 1807aaa(10), 1807aaa(11), 1807aaa(12), 1807aaa(13), 1815a, 1829a, 1833a, 1839a, 1842a, 1842b, 1848, 1848a(1), 1860, 1860a(1), 1860a(2), 1868a, 1881a, 1881a(1), 1881b, 1881c, 1881d, 1881d(1), 1881d(2), 1881e, 1881f, 1881g, 1881i, 1881j, 1881k, 1881l, 1881m, 1881n, 1881o, 1881p, 1881q, 1882a, 1882c, 1885a, 1887a, 1891, 1891a, 1891aa, 1892a, 1892b, 1892c, 1892d, 1892e, 1892e(1), 1892e(2), 1894, 1897a, 1897b, 1897c, 1899aa, 1899b, 1899c, 1908a, 1913a, 1913aa, 1913aaa, 1913b, 1914a, 1920a, 1920a(1), 1920a(2), 1920a(3), 1920aa, 1920b, 1920c, 1920d, 1920e, 1921a, 1921a(1), 1949a, 1980a(1), 1988a 1989a, 1991a, 1991aaa, 1991b, 1997a, 1999a, 1999b, 2048a, 2049a, 2075, 2080a, 2082a, 2123aa, 2144a, 2145, 2158, 2164, 2289a, 3041a, 3044h, 3044i, 3044j, 3044k, 3044m, 3044p, 3044q, 3044u, 3044v, 3045, 3054, 3062a, 3062b, 3064a, 3068, 3071b, 3074a, 3074b, 3074c, 3074d, 3074e

Said War Department Appropriation Act for the fiscal year 1923, Act June 30, 1922, c 253, also contains the following provisions

"All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund Provided, That under this provision no amount shall be used for the employment of any additional persons over the number for which the specific appropriations herein provide

"No part of the moneys appropriated in this Act shall be used for paying to any civilian employee of the United States Government an average daily wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality

"All material purchased under the provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty.

"Except as expressly otherwise authorized herein no part of the sums appropriated by this Act for military purposes shall be expended in the purchase from private manufacturers of ordnance and ordnance supplies at a price in excess of 25 per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of 25 per centum more than the estimated cost of manufacture by the Government

"That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work, nor shall any part of the appropriations made in this Act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

"No part of the moneys appropriated in each or any section of this Act for military purposes shall be used or expended for the purchase or acquirement of any article or articles that at the time of the proposed acquirement can be manufactured or produced in each or any of the Government arsenals of the United States for a sum less than it can be purchased or procured otherwise"

See Act March 2, 1923, c 178, title I, 42 Stat. 1377, for manner of disbursement of appropriations made by the act, and restrictions upon the expenditure of such appropriations.

Act June 4, 1924, c 255, 43 Stat 382, entitled "An act authorizing the sale of real property no longer required for military purposes," authorizes the Secretary of War to sell certain described tracts or parcels of real property.

The War Department appropriation act for the year 1925, Act June 7, 1924, c. 291, title I, 43 Stat 481, contains the following provisions "Finance Department. Pay, and so forth, of the Army * * All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund Provided, That under this provision no amount shall be used for the employment of any additional persons over the number for which the specific appropriations herein provide

"None of the money appropriated in this Act shall be used to pay any officer on the retired list of the Army who for himself or for others engages in the selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions None of the money appropriated in this Act shall be paid to any officer on the retired list of the Army, who, having been retired before reaching the age of sixty-four, is employed in the United States or its possessions by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army * *

"No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work, nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

The War Department appropriation act for the year 1926, Act Feb. 12, 1925, c 225, title I, 43 Stat 895, contains the following provisions

"Finance Department Pay, and So Forth, of the Army * * All the money hereinbefore appropriated for pay of the Army shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund Provided, That under this provision no amount shall be used for the employment of any additional persons over the number for which the specific appropriations herein provide

"None of the money appropriated in this Act shall be used to pay any officer on the retired list of the Army who for himself or for others engages in the selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions None of the money appropriated in this Act shall be paid to any officer on the retired list of the Army who, having been retired before reaching the age of sixty-four, is employed in the United States or its possessions by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army, * *"

Said act also contains the following provision:

"No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Chapter One—Organization

See notes at the beginning of this title.

§ 1715a. Army of United States—The Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps. (June 3, 1916, c. 134, § 1, 39 Stat. 166, amended, June 4, 1920, c. 227, subchapter I, § 1, 41 Stat 759.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 1, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

§ 1717a. Composition of the Regular Army—The Regular Army of the United States shall consist of the Infantry, the Cavalry, the Field Artillery, the Coast Artillery Corps, the Air Service, the Corps of Engineers, the Signal Corps, which shall be desig-

nated as the combatant arms or the line of the Army; the General Staff Corps, the Adjutant General's Department; the Inspector General's Department; the Judge Advocate General's Department; the Quartermaster Corps, the Finance Department; the Medical Department, the Ordnance Department; the Chemical Warfare Service; the officers of the Bureau of Insular Affairs; the officers and enlisted men under the jurisdiction of the Militia Bureau; the chaplains; the professors and cadets of the United States Military Academy, the present military store-keeper; detached officers, detached enlisted men, unassigned recruits, the Indian Scouts; the officers and enlisted men of the retired list, and such other officers and enlisted men as are now or may hereafter be provided for. (June 3, 1916, c. 134, § 2, 39 Stat. 166, amended, June 4, 1920, c 227, subchapter I, § 2, 41 Stat. 759)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 2, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above, and post, § 1832a.

For this section prior to this amendment see U S Comp St. 1918, §§ 1717a, 1882a, 1882c.

§ 1717b. Officers; general officers of line and staff; other officers; appointment of officers; permanent commissions; detailed officers—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line. Officers commissioned to and holding in the Army an office other than that of general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. There shall be one general, as now authorized by law, until a vacancy occurs in that office, after which it shall cease to exist On and after July 1, 1920, there shall be twenty-one major generals and forty-six brigadier generals of the line; five hundred and ninety-nine colonels, six hundred and seventy-four lieutenant colonels, two thousand two hundred and forty-five majors; four thousand four hundred and ninety captains, four thousand two hundred and sixty-six first lieutenants; two thousand six hundred and ninety-four second lieutenants; and also the number of officers of the Medical Department and chaplains, hereinafter provided for, professors as now authorized by law, and the present military storekeeper, who shall hereafter have the rank, pay and allowances of major; and the numbers herein prescribed shall not be exceeded: Provided, That major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general: Provided further, That the first board convened after the passage of this Act may place upon such eligible list any officer of the line of not less than twenty-two years' commissioned service.

Officers of all grades in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Corps of Engineers, and Medical Department; officers above the grade of captain in the Signal Corps, Judge Advocate General's Department, Quartermaster Corps, Ordnance Department and Chemical Warfare Service, all chaplains and professors, and the military storekeeper shall be permanently commissioned in their respective branches. All officers of the General Staff Corps, Inspector General's Department, Bureau of Insular Affairs and Militia Bureau shall be obtained by detail from officers of corresponding grades in other branches. Other officers may be either detailed, or with their own consent, be permanently commissioned, in the branches to which they are assigned for duty. (June 3, 1916, c. 134, § 4, 39 Stat 167, amended, June 4, 1920, c. 227, subchapter I, § 4, 41 Stat 760)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 4, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above This section was further amended by Act June 4, 1920 c. 227, subchapter I, § 4, by adding three sections, designated as sections 4a, 4b and 4c See post, §§ 1717b(2), 1717b(3) 1717b(4), 1762a(3½), 1891aa, 1980a(1), and notes to §§ 2145, 2158, post

For this section prior to this amendment see U. S Comp. St 1918, § 1717b

Act Sept 17, 1919, c 61, 41 Stat 286, entitled "An act to provide necessary commissioned personnel for the Army until June 30, 1920" contained the following provisions

"Until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to the officers of the permanent establishment and to retain at their temporary grades such officers of the Regular Army as in his judgment may be necessary for the proper performance of the functions of the Military Establishment Provided, That additional officers so maintained shall be selected, so far as practicable, from officers and enlisted men who served during the emergency and are applicants for appointments in the permanent establishment Provided further, That after October 31, 1919, the total number of commissioned officers exclusive of retired officers and disabled emergency officers awaiting discharge upon completion of treatment for physical reconstruction shall at no time exceed eighteen thousand"

The number of officers specified in this section have been reduced as provided by Act June 30, 1922, c. 253, title I, post, § 1717b(1b).

See, also, notes at the beginning of this title

§ 1717b(1). Officers carried as additional numbers—Officers now carried as additional numbers shall be included in the numbers provided for by this Act, and, after June 30, 1920, shall no longer be additional, and any officer hereafter appointed, under the provisions of law, to a grade in which no vacancy exists, shall be an additional number in that grade until absorbed, and no longer (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

See note to § 1899aa, post

§ 1717b(1a). Number of commissioned officers and emergency officers—After January 1, 1923, the sum herein appropriated for the pay of officers shall not be used for the pay of more than twelve thousand commissioned officers on the active list of the Regular Army and the emergency officers in service undergoing physical reconstruction. * * (June 30, 1922, c. 253, title I, 42 Stat. 721.)

From the War Department appropriation act for the year 1923, cited above

§ 1717b(1b). Number of officers of various grades and corps enumerated—On and after January 1, 1923, there shall be officers as now authorized by law except that there shall be four hundred and twenty colonels, five hundred and seventy-seven lieutenant colonels, one thousand five hundred and seventy-five majors, three thousand one hundred and fifty captains, two thousand nine hundred and sixty-seven first lieutenants and one thousand seven hundred and seventy-one second lieutenants, and these numbers shall not be exceeded except as hereinafter provided; nine hundred and eighty-three officers of the Medical Corps, one hundred and fifty-eight officers of the Dental Corps, one hundred and twenty-six officers of the Veterinary Corps, seventy-two officers of the Medical Administrative Corps, and one hundred and twenty-five chaplains; and the numbers herein provided shall include the officers of Philippine Scouts who shall continue to be carried on the promotion list and who shall be promoted to grades from first lieutenant to colonel, inclusive, in the same manner as prescribed by law for other officers on the promotion list. * * (June 30, 1922, c. 253, title I, 42 Stat 721.)

From the War Department appropriation act for the year 1923, cited above.

This section reduces the number of officers authorized by § 1717b, ante.

§ 1717b(1c). Excess officers; disposition of—Officers in excess of the numbers authorized herein

and not removed from the active list by other means shall be disposed of as follows. Those of the Medical Department and Chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided, those other than of the Medical Department and Chaplains shall, prior to January 1, 1923, be eliminated from the active list as hereinafter provided except that not more than a total of eight hundred now in grades from colonel to first lieutenant inclusive shall either be continued as additional officers in their grades until absorbed, or those in grades below lieutenant colonel shall, in inverse order of standing on the promotion list beginning with the lowest on the list in each grade, be discharged and recommissioned in the next lower grade prior to January 1, 1923, and officers accepting recommission in a lower grade shall be carried on the promotion list in the positions they now occupy and shall, while serving in such lower grade, take rank among the officers of the Regular Army in accordance with their length of service notwithstanding the date of their new commission, and any officer shall be eligible for recommission and service in the branch in which now commissioned, officers selected for elimination of less than ten years' commissioned service may, upon recommendation of the board herein provided for, be discharged with one year's pay, or those of more than ten years' and less than twenty years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of 2½ per centum of their active pay multiplied by the number of complete years of such commissioned service, or those of more than twenty years' commissioned service may, upon recommendation of the board, be placed on the unlimited retired list with pay at the rate of 3 per centum of their active pay multiplied by the number of complete years of such commissioned service, not exceeding 75 per centum. * * (June 30, 1922, c. 253, title I, 42 Stat. 722)

From the War Department appropriation act for the year, 1923, cited above

§ 1717b(1cc). Determination of number of officers to be discharged and recommissioned in next lower grade; increase of authorized strength in certain grades; total number of officers of all grades; number of officers in each grade; effect of discharge and recommissioning of officers—The President, upon the recommendation of the board of general officers convened to carry out the elimination provisions of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922, is authorized to determine the number of officers below the grade of lieutenant colonel that shall be discharged and recommissioned in the next lower grade notwithstanding the limitation of eight hundred in said Act: Provided, That the President is authorized, upon the recommendation of said board, to increase the authorized strength of various grades as prescribed in said Act by not more than fifty colonels, one hundred and fifty majors, and three hundred captains, and to decrease by a total of not to exceed five hundred, apportioned among the grades as the President may determine, the authorized strength of the two lowest grades as prescribed by said Act: Provided further, That on and after January 1, 1923, there shall be not to exceed a total of twelve thousand officers in the Army and on and after that date the authorized number in each grade shall be as prescribed in said Act or as modified and prescribed by the President in accordance with the provisions of the preceding proviso, and on that date there shall not be any promotion list officers in any grade in addition to these prescribed numbers: Provided further, That the discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they are now receiving or to deprive them of credit for service now counted for purposes of pay or retirement: And provided further, That in discharging and recommissioning officers in inverse order of standing on the promotion list any officer who is once discharged from the grade he now holds and is recommissioned in the next lower grade shall be passed over (Sept 14, 1922, c 307, § 1, 42 Stat 840)

This section is section 1 of an act entitled "An act amending the Act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," cited above Section 2 of this act is set forth post, § 1717b(1gg), section 3 is set forth post, § 3044vvv, and section 4 repeals all inconsistent laws and parts of laws.

§ 1717b(1d). Same; certain number of officers continued as additional officers; and recommissioned in next lower grade—Of the eight hundred or less officers to be absorbed or recommissioned under the preceding proviso, a suitable number of officers in grades from colonel to first lieutenant, inclusive, shall be continued as additional until absorbed and a suitable number in each grade from major to first lieutenant shall be recommissioned in the next lower grade, such suitable numbers to be determined by the President upon the recommendation of the board of general officers hereinafter provided for. * * (June 30, 1922, c. 253, title I, 42 Stat 722)

From the War Department appropriation act for the year 1923, cited above

§ 1717b(1e). Same; commissioned service defined—Commissioned service for the purposes of this Act shall include only active commissioned service in the Army performed while under appointment from the United States Government whether in the Regular, provisional, or temporary forces * * (June 30, 1922, c. 253, title I, 42 Stat. 723.)

From the War Department appropriation act for the year 1923, cited above

§ 1717b(1f). Same; appointment as warrant officers—Any officer of less than ten years' commissioned service but of more than twenty years' service accredited toward retirement or for increased pay for length of service may, in lieu of discharge with one year's pay as hereinbefore provided, if he so elects, be appointed a warrant officer and carried as an additional number in that grade; or he may, if he so elects, be retired with the rank of warrant officer with pay at the rate of 2 per centum of the pay of a warrant officer multiplied by the number of years of such accredited service. * * (June 30, 1922, c. 253, title I, 42 Stat. 723.)

From the War Department appropriation act for the year 1923, cited above.

§ 1717b(1g). Same; board for recommendation of officers to be eliminated, etc.—The Secretary of War shall convene a board of five general officers which may include retired officers whose call to active duty for this purpose is hereby authorized, which board, under regulations prescribed by the Secretary of War, shall recommend to the President the officers to be eliminated from the active list under the provisions of this Act, the number of officers in various grades to be recommissioned in the next lower grade as hereinbefore provided, and the number of officers in various grades to be continued as additional until absorbed as hereinbefore provided. * * (June 30, 1922, c. 253, title I, 42 Stat. 723)

From the War Department appropriation act for the year 1923, cited above.

§ 1717b(1gg). Pay and allowances of retired officers on elimination board—The retired general officers who have been called to active duty for service on the said elimination board shall be entitled from date of detail and while so serving to the active pay

and allowances of their grade. (Sept 14, 1922, c 307, § 2, 42 Stat 841)

See note to § 1717b(1cc), ante

§ 1717b(1h). Assignment of officers to branches of Service—Officers shall be assigned to the several branches of the Army so that the number assigned to any branch, except of the Medical Department and Chaplains, shall be 70 per centum of the number prescribed for such branch under the Act of June 4, 1920, but the President may increase or diminish the number of officers assigned to any branch by not more than a total of 30 per centum (June 30, 1922, c. 253, title I, 42 Stat 723)

From the War Department appropriation act for the year 1923, cited above

§ 1717b(2). Warrant officers; number; appointment; pay, allowances, retirement and rank—In addition to those authorized for the Army Mine Planter Service, there shall be not more than one thousand one hundred and twenty warrant officers, including band leaders, who shall hereafter be warrant officers. Appointments shall be made by the Secretary of War from among noncommissioned officers who have had at least ten years' enlisted service; enlisted men who served as officers of the Army at some time between April 6, 1917, and November 11, 1918, and whose total service in the Army, enlisted and commissioned, amounts to five years; persons serving or who have served as Army field clerks or field clerks, Quartermaster Corps, and, in the case of those who are to be assigned to duty as band leaders, from among persons who served as Army band leaders at some time between April 6, 1917, and November 11, 1918, or enlisted men possessing suitable qualifications Warrant officers other than those of the Army Mine Planter Service, shall receive base pay of $1,320 a year and the allowances of a second lieutenant, shall be entitled to longevity pay and to retirement under the same conditions as commissioned officers, and shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants (June 3, 1916, c. 134, § 4 [4a], added, June 4, 1920, c 227, subchapter I, § 4, 41 Stat. 761.)

See note to § 1717b, ante

For pay of warrant officers as affected by Act June 10, 1922, c. 212, see post, § 2089a(1), par (k), and § 2089a(9)

The Army appropriation act for the year 1921, Act June 5, 1920, c 240, 41 Stat 956, contains the following provision

"Commencing January 1, 1920, warrant officers, Army Mine Planter Service, shall be paid, in addition to all pay and allowances now authorized by law, an increase at the rate of $240 per annum Provided, That this increase shall remain effective until the close of the fiscal year ending June 30, 1922, unless sooner amended or repealed"

§ 1717b(3). Assignments; Philippine Scouts included in number of enlisted men authorized; transfer of officers between branches of service; reports to Congress—Officers and enlisted men shall be assigned to the several branches of the Army as hereafter directed, a suitable proportion of each grade in each branch, but the President may increase or diminish the number of officers or enlisted men assigned to any branch by not more than a total of 15 per centum: Provided, That the total number authorized in any grade by this Act is not exceeded: Provided further, That the number of enlisted men herein authorized for any branch shall include such number of Philippine Scouts as may be organized in that branch: Provided further, That no officer shall be transferred from one branch of the service to another under the provisions of this section without his own consent

The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organizations pertaining to each branch of the service. (June 3, 1916, c. 134, § 4[4c], added, June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762)

See note to § 1717b, ante

§ 1717b(4). Chiefs and assistants to chiefs of branches of service; appointment; retirement—Except as otherwise herein prescribed, chiefs and assistants to the chiefs of the several branches shall hereafter be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, and such appointments shall not create vacancies Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of colonel, and as assistant from among officers of not less than fifteen years' commissioned service, who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment. Provided, That the chiefs of the several branches shall make recommendations to the Secretary of War for the appointment of their assistants: Provided further That in making the first appointment to any such office created by this Act, the chief of a branch may be selected from among officers of not less than twenty-two years' commissioned service Any officer who shall have served four years as chief of a branch, and who may subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the grade held by him as such chief (June 3, 1916, c. 134, § 4[4c], added, June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762)

See note to § 1717b ante.

§ 1717b(5). Warrant officers; number—No vacancies in the grade of warrant officer, exclusive of warrant officers in the Mine Planter Service, shall be filled until the number in such grade is reduced to six hundred, and thereafter the number shall not be increased above six hundred. * * (June 30, 1922, c. 253, title I, 42 Stat. 723.)

From the War Department appropriation act for the year 1923, cited above

§ 1717b(6). Same; band leaders excepted—Nothing contained herein shall prevent the appointment of qualified band leaders for authorized bands. * * (June 30, 1922, c. 253, title I, 42 Stat 723.)

From the War Department appropriation act for the year 1923, cited above.

§ 1717b(7). Army band leader; appointment; pay and allowances; retirement—The Secretary of War is hereby authorized to appoint a warrant officer of the Regular Army leader of the Army band, who, while holding such appointment, shall receive, in lieu of any and all pay and allowances as warrant officer, the base pay and the allowances of a captain of the Regular Army in the third pay period and shall be entitled to longevity pay provided for an officer for each three years of service under such appointment plus any previous active commissioned service under a Federal appointment which the appointee may have had, but shall not be entitled to pass to a higher pay period. The leader of the Army band may be relieved from his appointment as such and returned to his former status at the discretion of the Secretary of War. Upon retirement he shall be retired as a warrant officer and shall receive the retired pay to which he would have been entitled had he not been appointed and received the pay and allowances of leader of the Army band: Provided, That no back pay or allowances shall be allowed to the leader of the Army band by reason of the passage of this Act: And provided further, That nothing contained in this Act shall operate to increase the authorized number of commissioned officers or warrant officers of the Regular Army nor to decrease the number of war-

rant officers authorized by law. (March 3, 1925, c. 412, 43 Stat. 1100)

This section is an act entitled "An act to provide for the appointment of a leader of the Army Band," cited above

§ 1717bb(1). General of the Armies of the United States—The office of General of the Armies of the United States is hereby revived, and the President is hereby authorized, in his discretion and by and with the advice and consent of the Senate, to appoint to said office a general officer of the Army who, on foreign soil and during the recent war, has been especially distinguished in the higher command of military forces of the United States; and the officer appointed under the foregoing authorization shall have the pay prescribed by section 24 of the Act of Congress approved July 15, 1870, and such allowances as the President shall deem appropriate; and any provision of existing law that would enable any other officer of the Army to take rank and precedence over said officer is hereby repealed: Provided, That no more than one appointment to office shall be made under the terms of this Act. (Sept. 3, 1919, c. 56, 41 Stat 283)

This is an act entitled "An act relating to the creation of the office of General of the Armies of the United States," cited above.

§ 1717bbb. Appointments from staff corps as major generals of the line—That hereafter the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint any chief of a staff corps, department, or bureau of the Army who has had forty or more years of service in the Army, a major general of the line of the Army The officers so appointed shall not exceed two, and shall be extra numbers in the list of major generals of the line. (July 9, 1918, c 143, 40 Stat. 853.)

This section is a provision of the Army appropriation act for the fiscal year 1919, cited above.

§ 1717c(1). Posthumous commissions to certain persons in military service appointed to commissioned grades or recommended for appointment thereto—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade, or had successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school and, through no fault of his own, was unable to accept the commission for such grade by reason of his death in line of duty, and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death. (March 3, 1925, c. 484, § 1, 43 Stat. 1255)

This section, and the two sections next following, are sections 1, 2, 4 of a resolution entitled a "Joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers," cited above. Section 3 of said Resolution March 3, 1925, c. 484, is set forth post as § 1897e

§ 1717c(2). Posthumous commissions to certain persons in military service recommended for appointment or for promotion to commissioned grades—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for appointment or for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death. (March 3, 1925, c. 484, § 2, 43 Stat 1255)

See note to § 1717c(1), ante.

§ 1717c(3). Posthumous commissions not to entitle to bonus, gratuity, pay, etc.—No person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of this resolution. (March 3, 1925, c. 484, § 4, 43 Stat. 1256)

See note to § 1717c(1), ante

LINE OF THE ARMY

§ 1718. Cavalry—The Cavalry shall consist of one Chief of Cavalry with the rank of major general, nine hundred and fifty officers in grades from colonel to second lieutenant, inclusive, and twenty thousand enlisted men, organized into Cavalry units as the President may direct. (June 3, 1916, c 134, § 18, 39 Stat 178, amended, June 4, 1920, c. 227, subchapter I, § 18, 41 Stat. 770.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 18, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U. S. Comp St 1918, § 1718.

§ 1724a. [Stricken by amendment.]

This section (Act June 3, 1916, c 134, § 16, 39 Stat 176), was amended by Act June 4, 1920, c 227, subchapter I, § 16, 41 Stat 769, by striking out the section

§ 1728a. Coast Artillery Corps; detail of warrant officers or enlisted men to office of Chief of Coast Artillery—Nothing contained in this Act or any other Act shall be construed as precluding the detail upon duties of a technical or military nature of not to exceed eight warrant officers, or enlisted men of the Coast Artillery Corps, in the Office of the Chief of Coast Artillery. (March 3, 1921, c. 124, § 1, 41 Stat. 1279.)

From the legislative, executive, and judicial appropriation act for the year 1922, cited above.

§ 1731a. Coast Artillery Corps—The Coast Artillery Corps shall consist of one Chief of Coast Artillery with the rank of major general, one thousand two hundred officers in grades from colonel to second lieutenant, inclusive, the warrant officers of the Army Mine Planter Service as now authorized by law, and thirty thousand enlisted men, organized into such Coast Artillery units as the President may direct. (June 3, 1916, c 134, § 20, 39 Stat. 180, amended, June 4, 1920, c. 227, subchapter I, § 20, 41 Stat. 770.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 20, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U. S. Comp St. 1918, § 1731a.

§ 1731aa. Coast Artillery Corps; Army Mine Planter Service—Army Mine Planter Service: Hereafter there shall be in the Coast Artillery Corps of the Regular Army a service to be known as the Army Mine Planter Service, which shall consist, for each mine planter in the service of the United States, of one master, one first mate, one second mate, one chief engineer, and one assistant engineer, who shall be

warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and two oilers, four firemen, four deck hands, one cook, one steward, and one assistant steward, who shall be appointed from enlisted men of the Coast Artillery Corps under such regulations as the Secretary of War may prescribe: Provided, That the Coast Artillery Corps is hereby increased by such numbers of warrant officers and enlisted men as may be necessary to constitute the force provided by this chapter: Provided further, That the annual pay of the warrant officers and enlisted men in the various grades established by this chapter shall be as follows: Masters, $1,800; first mates, $1,320, second mates, $972, chief engineers, $1,700; assistant engineers, $1,200; oilers, $432; firemen, $396, deck hands, $216. cooks. $360. steward, $540; assistant stewards, $288. And provided further, That warrant officers shall have such allowances as the Secretary of War may prescribe, and shall be retired, and shall receive longevity pay, as now provided by law for officers of the Army, and that the enlisted force herein provided for shall receive the allowances and continuous-service pay now provided by law for enlisted men of the Army: And provided further, That in computing length of service for retirement, and in computing longevity pay for warrant officers and continuous-service pay for the enlisted men authorized by this chapter, service on boats in the service of the Quartermaster Department of the Quartermaster Corps prior to the passage of this Act shall be counted: And provided further, That during the continuation of the present emergency all enlisted men of the Mine Planter Service of the Army of the United States in active service whose base pay does not exceed $21 per month shall receive an increase of $15 per month: those whose base pay is $24, an increase of $12 per month, those whose base pay is $30, $33, $36, or $40, an increase of $8 per month; and those whose base pay is $45 or more, an increase of $6 per month: And provided further, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay. (July 9, 1918, c 143, subchapter IX, 40 Stat. 881.)

This section is a part of the Army appropriation act for the fiscal year 1919, cited above. It was preceded by the subchapter heading IX

§ 1731aaa. Warrant officers in Army Mine Planter Service; number—Within sixty days after the approval of this Act the number of warrant officers in the Army Mine Planter Service shall be reduced to forty, and thereafter the number shall not be increased above forty. (June 30, 1922, c. 253, title I, 42 Stat. 723.)

From the War Department appropriation act for the year 1923, cited above.

§ 1731aaaa. Reappointment and discharge or retirement of warrant officers, Army Mine Planter Service, discharged pursuant to Act June 30, 1922, c. 253, title I; pay on retirement—The Secretary of War is hereby authorized and directed to reappoint and immediately discharge or retire as hereinafter directed all warrant officers, Army Mine Planter Service, discharged from such service pursuant to the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922: Provided, That warrant officers of the Army Mine Planter Service of less than ten years' service be discharged with payment of one year's pay; or those of more than ten years' and less than twenty years' service be placed on the unlimited retired list with pay at the rate of 2½ per centum of their active pay, multiplied by the number of complete years of such service; or those of more than twenty years' service be placed on the unlimited retired list with pay at the rate of 3 per centum of their active pay, multiplied by the number of complete years of such service, not exceeding 75 per centum of their active pay: Provided further, That in computing length of service for retirement and in computing longevity pay under the provision of this Act service on boats in the service of the Quartermaster Department as well as service in the Regular Army shall be counted: And provided further, That this Act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service. (March 3, 1925, c. 413, 43 Stat. 1101.)

This section is an act entitled 'An act to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service," cited above.

§ 1736a. Field Artillery—The Field Artillery shall consist of one Chief of Field Artillery with the rank of major general, one thousand nine hundred officers in grades from colonel to second lieutenant, inclusive, and thirty-seven thousand enlisted men, organized into Field Artillery units as the President may direct. (June 3, 1916, c 134, § 19, 39 Stat. 179, amended, June 4, 1920, c. 227, subchapter I, § 19, 41 Stat. 770)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 19, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above
For this section prior to this amendment, see U S Comp. St. 1918, § 1736a

§ 1738a. Infantry; tank units part of—The Infantry shall consist of one Chief of Infantry with the rank of major general; four thousand two hundred officers in grades from colonel to second lieutenant, inclusive, and one hundred and ten thousand enlisted men, organized into such Infantry units as the President may direct. Hereafter all tank units shall form a part of the Infantry. (June 3, 1916, c. 134, § 17, 39 Stat 177, amended, June 4, 1920, c. 227, subchapter I, § 17, 41 Stat. 769.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 17, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above
For this section prior to this amendment, see U. S. Comp. St. 1918, § 1738a.

§ 1738aa. Additional infantry bands—The Secretary of War is authorized to organize for use during the present emergency twenty bands additional to those now authorized for the Army to be organized as are bands of Infantry. (July 9, 1918, c. 143, 40 Stat. 852.)

This section is a provision of the Army appropriation act for the fiscal year 1919, cited above.

§ 1738aaa. Corporal buglers and buglers, first class—There are hereby created in the Army the grades of corporal bugler, and bugler, first class; and hereafter for each battalion and squadron headquarters of units in which the grade of bugler is now authorized, there shall be one corporal bugler, and for each company, battery, troop, or organization in which the grade of bugler is now authorized there shall be one bugler, first class. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893)

This section is a provision of the Army appropriation act for the fiscal year 1919, cited above.

§ 1742a. Philippine Scouts; existing officers recommissioned; further appointment of officers; promotion, etc., of officers; retired officers—The President is authorized to form the Philippine Scouts into such branches and tactical units as he may deem expedient, within the limit of strength prescribed by law, organized similarly to those of the Regular Army, the officers to be detailed from those authorized in section 4 hereof. On July 1, 1920, all officers of the Philippine Scouts on the ac-

tive list, who are citizens of the United States and are found qualified under such regulations as the President may prescribe, shall be recommissioned in some one of the branches provided for by this Act, and those not so recommissioned shall continue to serve under their commissions as officers of the Philippine Scouts No further appointments shall be made as officers of Philippine Scouts except of citizens of the Philippine Islands, who may be appointed in the grade of second lieutenant, under such regulations as the President may prescribe Officers commissioned in the Philippine Scouts shall be subject to promotion, classification, and elimination, as hereinafter prescribed for officers of the Regular Army Those now on the retired list shall hereafter receive the same pay as a retired second lieutenant of equal service Officers of the Philippine Scouts shall hereafter be retired under the same conditions, and those hereafter placed on the retired list shall receive the same retired pay, as other officers of like grades and length of service, and shall be equally eligible for advancement on account of active duty performed since retirement Nothing in this Act shall be construed to alter in any respect the present status of enlisted men of the Philippine Scouts (June 3, 1916, c 134, § 22a, added, June 4, 1920, c 227, subchapter I, § 22, 41 Stat. 770)

This section was added to Act June 3, 1916, c 134, by Act June 4, 1920, c 227, subchapter I, § 22, cited above, as § 22a thereof

§ 1753a. Porto Rico Regiment of Infantry—The Porto Rico Regiment of Infantry and the officers and enlisted men of such regiment shall become a part of the Infantry branch herein provided for, and its officers shall, on July 1, 1920, be recommissioned in the Infantry with their present grades and dates of rank, unless promoted on that date in accordance with the provisions of section 24 hereof (June 3, 1916, c 134, § 21, 39 Stat 180, amended, June 4, 1920, c. 227, subchapter I, § 21, 41 Stat. 770)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 21, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U S Comp. St 1918, § 1753a.

§ 1758a. Organization of the Army—The Organized peace establishment, including the Regular Army, the National Guard and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized, so far as practicable into brigades, divisions and army corps, and whenever the President may deem it expedient, into armies. For purposes of administration, training and tactical control, the continental area of the United States shall be divided on a basis of military population into corps areas Each corps area shall contain at least one division of the National Guard or Organized Reserves, and such other troops as the President may direct. The president is authorized to group any or all corps areas into army areas or departments. (June 3, 1916, c. 134, § 3, 39 Stat. 166, amended, June 4, 1920, c. 227, subchapter I, § 3, 41 Stat. 759.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 3, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

This section was further amended by said Act June 4, 1920, c 227, subchapter I, § 3, by adding thereto a new section, designated as section 3a. See post, § 1758aa.

For this section prior to this amendment, see U. S. Comp. St. 1918, § 1758a.

§ 1758aa. The initial organization of the National Guard and the Organized Reserves—In the reorganization of the National Guard and in the initial organization of the Organized Reserves, the names, numbers and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War between April 6, 1917, and November 11, 1918, shall be preserved as such as far as practicable Subject to revision and approval by the Secretary of War, the plans and regulations under which the initial organization and territorial distribution of the National Guard and the Organized Reserves shall be made, shall be prepared by a committee of the branch or division of the War Department General Staff, hereinafter provided for, which is charged with the preparation of plans for the national defense and for the mobilization of the land forces of the United States For the purpose of this task said committee shall be composed of members of said branch or division of the General Staff and an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard. Subject to general regulations approved by the Secretary of War, the location and designation of units of the National Guard and of the Organized Reserves entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or territory concerned (June 3, 1916, c. 134, § 3[3a], added, June 4, 1920, c. 227, subchapter I. § 3, 41 Stat. 760.)

See ante, § 1758a, and notes thereunder.

§ 1758aaa. Emergency commissioned personnel; retention or discharge—The President is authorized to retain temporarily in service, under their present commissions, or to discharge and recommission temporarily in lower grades, such emergency officers as he may deem necessary; but the total number of officers on active duty, exclusive of retired officers and disabled emergency officers undergoing treatment for physical reconstruction, shall at no time exceed seventeen thousand eight hundred and twenty-three. Any emergency officer may be discharged when his services are no longer required, and all such officers shall be discharged not later than December 31, 1920. All officers of the Regular Army holding commissions granted for the period of the existing emergency, in whatever grade, shall be discharged therefrom not later than June 30, 1920. (June 5, 1920, c. 240, 41 Stat. 977.)

This section is a provision of the Army appropriation act for the fiscal year 1920, cited above.

STAFF CORPS AND DEPARTMENTS

§ 1762a. General Staff Corps; what constitutes—The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff and the General Staff with troops. (June 3, 1916, c 134, § 5, 39 Stat. 167, amended, May 12, 1917, c. 12, 40 Stat. 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 762.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 5, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above, and post, §§ 1762a(1), 1762a(2), 1762a(3), 1762a (4), 1762a(5), 1762a(6), 1762a(7), 1762a(8), 1762a(9).

This section was further amended by Act June 4, 1920, c 227, subchapter I, § 5, by adding thereto two new sections, designated as sections 5a and 5b. See ante, §§ 312a, 334b-334f, and post, § 1762a(10).

For this section prior to this amendment see U. S. Comp. St. 1918, §§ 1762a, 1763b.

§ 1762a(1). War Department General Staff—The War Department General Staff shall consist of the Chief of Staff and four assistants to the Chief of Staff selected by the President from the general officers of the line, and eighty-eight other officers of grades not below that of captain. (June 3, 1916, c.

134, § 5, 39 Stat 167, amended, May 12, 1917, c. 12, 40 Stat 46, and June 4, 1920, c 227, subchapter I, § 5, 41 Stat 762)

See note to § 1762a

Act Aug 28, 1922, c 296, 42 Stat. 832, entitled "An act relating to the appointment of the Chief of Staff of the Army," provides 'that, notwithstanding other provisions of law touching eligibility for appointment and service as Chief of Staff, the present Deputy Chief of Staff may be appointed Chief of Staff, and when so appointed shall be eligible to serve as such for a period of four years unless sooner relieved"

For current appropriation for the office of Chief of Staff in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c. 225, title I, 43 Stat 894

§ 1762a(2). General Staff with troops—The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial departments, armies, army corps, divisions, and brigades, and as military attachés abroad (June 3, 1916, c 134, § 5, 39 Stat. 167, amended, May 12 1917, c 12, 40 Stat 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat 763)

See note to § 1762a, ante

§ 1762a(3). Detail of officers to General Staff Corps; eligible lists; acting General Staff Officers; detail of officers of noncombatant branches—In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved, and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles The initial eligible list shall be prepared by a board consisting of the general of the army, the commandant of the General Staff College, the commandant of the General Service Schools, and two other general officers of the line, selected by the Secretary of War, who are not then members of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for General Staff duty

(a) Those officers graduated from the Army Staff College or the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for detail in the General Staff Corps.

(b) After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: Provided, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: Provided, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff. (June 3, 1916, c. 134, § 5, 39 Stat. 167 amended. May 12, 1917, c. 12, 40 Stat 46, June 4, 1920, c 227, subchapter I, § 5, 41 Stat 763, and Sept. 22, 1922, c. 423, § 1, 42 Stat. 1032)

This section was again amended by Act Sept 22, 1922, c 423, § 1, cited above, by changing paragraph (b) thereof to read as set forth above Prior to this amendment said paragraph (b) read as follows

(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit, or have demonstrated by actual service in the World War that they are qualified for General Staff duty

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps except the Chief of Staff shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff Officer under such regulations as the President may prescribe Provided, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff"

See, also, note to § 1762a, ante

§ 1762a(3½). Detail of officers to General Staff Corps; who may be detailed in time of peace; laws restricting detail or assignment of officers repealed—In time of peace no officer of the line shall be or remain detailed as a member of the General Staff Corps unless he has served for two of the next preceding six years in actual command of troops of one or more of the combatant arms, and in time of peace every officer serving in a grade below that of brigadier general shall perform duty with troops of one or more of the combatant arms for at least one year in every period of five consecutive years, except that officers of less than one year's commissioned service in the Regular Army may be detailed as students at service schools: Provided, That an officer commissioned in a staff corp shall not be or remain detailed as a member of the General Staff Corps unless he has served for one of the next preceding five years with troops of one or more of the combatant arms. In the administration of this provision, all duty performed between April 6, 1917, and July 1, 1920, inclusive, or as a student at service schools, other than those of the noncombatant branches, at any time, shall be regarded as satisfying the requirements of service with combatant arms. Existing laws in so far as they restrict the detail or assignment of officers are hereby repealed. When in his judgment efficiency demands such action, the President is authorized to except officers of the Medical Corps, Ordnance Department, and Chemical Warfare Service from the provisions of this section requiring duty with troops of one or more of the combatant arms. The President is further authorized to except from the provisions of this section requiring duty with troops of one or more of the combatant arms such officers of the Judge Advocate General's Department as are now engaged in patent litigation in which the Government is involved. (June 3, 1916, c. 134, § 4 [4c], added, June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 762, and amended, June 6, 1924, c. 275, § 2, 43 Stat. 470.)

This section was amended by Act June 6, 1924, c. 275, § 2, cited above, by adding the two last sentences.

See, also note to § 1717b, ante.

§ 1762a(4). Duties of War Department General Staff—The duties of the War Department General Staff shall be to prepare plans for national defense and the use of the military forces for that purpose, both separately and in conjunction with the naval forces, and for the mobilization of the manhood of the Nation and its material resources in an emergency, to investigate and report upon all questions affecting the efficiency of the Army of the United States, and its state of preparation for military operations; and to render professional aid and assistance to the Secretary of War and the Chief of Staff (June 3, 1916, c 134, § 5, 39 Stat. 167, amended May 12, 1917, c. 12, 40 Stat. 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763)

See note to § 1762a, ante

§ 1762a(5). Organization, distribution, training, etc., of National Guard and Organized Reserves; committees of branches or divisions of War Department General Staff to prepare—All policies and regulations affecting the organization, distribution and training of the National Guard and the Organized Reserves, and all policies and regulations affecting the appointment, assignment, promotion, and discharge of reserve officers, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of reserve officers, including reserve officers who hold or have held commissions in the National Guard, and whose names are borne on lists of officers suitable for such duty, submitted by the governors of the several States and Territories. For the purposes specified herein, they shall be regarded as additional members of the General Staff while so serving Provided, That prior to January 1, 1921, National Guard officers who do not hold reserve commissions, if recommended by the governors of the several States and Territories, may be designated by the President as members of the committees herein provided for, and while so serving such officers shall receive the pay and allowances of their corresponding grades in the Regular Army (June 3, 1916, c 134, § 5, 39 Stat. 167, amended, May 12, 1917, c. 12, 40 Stat. 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 763.)

See note to § 1762a ante
See Act Feb 12, 1925, c 225, title I, 43 Stat 921, for current appropriation for the Organized Reserves

§ 1762a(6). Duties of General Staff with troops—The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them, to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the commanding generals, and in supervising the execution of such instructions. (June 3, 1916, c. 134, § 5, 39 Stat. 167, amended, May 12, 1917, c. 12, 40 Stat. 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat 764.)

See note to § 1762a, ante

§ 1762a(7). Chief of Staff; duties—The Chief of Staff shall preside over the War Department General Staff and, under the direction of the President, or of the Secretary of War under the direction of the President, shall cause to be made, by the War Department General Staff, the necessary plans for recruiting, organizing, supplying, equipping, mobilizing, training, and demobilizing the Army of the United States, and for the use of the military forces for national defense. He shall transmit to the Secretary of War the plans and recommendations prepared for that purpose by the War Department General Staff and advise him in regard thereto, upon the approval of such plans or recommendations by the Secretary of War, he shall act as the agent of the Secretary of War in carrying the same into effect. (June 3, 1916, c. 134, § 5, 39 Stat 167, amended, May 12, 1917, c 12, 40 Stat. 46, and June 4, 1920 c 227, subchapter I, § 5, 41 Stat 764)

See note to § 1762a, ante

§ 1762a(8). Plans or recommendations affecting national defense or Army submitted to Congress—Whenever any plan or recommendation involving legislation by Congress affecting national defense or the reorganization of the army is presented by the Secretary of War to Congress, or to one of the committees of Congress, the same shall be accompanied, when not incompatible with the public interest, by a study prepared in the appropriate division of the War Department General Staff, including the comments and recommendations of said division for or against such plan, and such pertinent comments for or against the plan as may be made by the Secretary of War, the Chief of Staff, or individual officers of the division of the War Department General Staff in which the plan was prepared. (June 3, 1916, c 134, § 5, 39 Stat 167, amended, May 12, 1917 c 12, 40 Stat. 46, and June 4, 1920, c 227, subchapter I, § 5, 41 Stat 764)

See note to § 1762a, ante

§ 1762a(9). Restrictions on duties of members of General Staff Corps—Hereafter, members of the General Staff Corps shall be confined strictly to the discharge of duties of the general nature of those specified for them in this section and in the Act of Congress approved February 14, 1903, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to establish bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof (June 3, 1916, c. 134, § 5, 39 Stat. 167, amended, May 12, 1917, c 12, 40 Stat 46, and June 4, 1920, c. 227, subchapter I, § 5, 41 Stat. 764)

See note to § 1762a, ante

§ 1762a(10). The War Council—The Secretary of War, the Assistant Secretary of War, the general of the Army, and the Chief of Staff shall constitute the War Council of the War Department, which council shall from time to time meet and consider policies affecting both the military and munitions problems of the War Department Such questions shall be presented to the Secretary of War in the War Council, and his decision with reference to such questions of policy, after consideration of the recommendations thereon by the several members of the War Council, shall constitute the policy of the War Department with reference thereto. (June 3, 1916, c. 134, § 5 [5b], added, June 4, 1920, c. 227, subchapter I, § 5, 41 Stat 765.)

See note to § 1762a, ante.

§ 1763.

See ante, § 1762a(7).

§ 1763a.

The War Department appropriation act for the year 1923 Act June 30, 1922, c. 253, title I, 42 Stat 718, contained the following: "Army War College For expenses of the Army War College, heretofore known as the General Staff College, being for the purchase of the necessary stationery, typewriters and exchange of same, office, toilet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps; police utensils, for lighting the Army War College Building and grounds, employment of temporary, technical or special services and expenses of special lecturers; and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk for superintendence of the Army War College Building," etc. See Act Feb. 12, 1925, c. 225, title I, 43 Stat. 894, for current appropriation for the Army War College.

§ 1763b. [Stricken by amendment.]

See ante, § 1762a, and notes thereunder.

§ 1764. Adjutant General's Department; Personnel Bureau; duties—The Adjutant General's Department shall consist of The Adjutant General with the rank of major general, one assistant with the rank of brigadier general, who shall be Chief of the Personnel Bureau, and one hundred and fifteen officers in grades from colonel to captain, inclusive The Personnel Bureau shall be charged, under such regulations as may be prescribed by the Secretary of War, with the operating functions of procurement, assignment, promotion, transfer, retirement, and discharge of all officers and enlisted men of the Army Provided, That territorial commanders and the chiefs of the several branches of the Army shall be charged with such of the above-described duties within their respective jurisdictions as may be prescribed by the Secretary of War. (June 3, 1916, c 134, § 6, 39 Stat 169, amended, June 4, 1920, c 227, subchapter I, § 6, 41 Stat. 765)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 6, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U S Comp St 1918, § 1764

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225 title I, 43 Stat 895 contains the following provision "Adjutant General's Office. * * For personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' $1,395,000, all employees provided for by this paragraph for The Adjutant General's Office of the War Department shall be exclusively engaged on work of that office."

§ 1771. Inspector General's Department—The Inspector General's Department shall consist of one Inspector General with the rank of major general and sixty-one officers in grades from colonel to captain, inclusive (June 3, 1916, c 134, § 7, 39 Stat 169, amended, June 4, 1920, c 227, subchapter I, § 7, 41 Stat. 765)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 7, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U S Comp. St 1918, § 1771

For current appropriation for the Office of the Inspector General in accordance with the Classification Act of 1923, see Act Feb. 12, 1925, c. 225, title I, 43 Stat 895.

§ 1775.

See post, § 1775a

§ 1775a. Judge Advocate General's Department—The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of major general and one hundred and fourteen officers in grades from colonel to captain, inclusive Provided, That immediately upon the passage of this Act the number of colonels of the Judge Advocate General's Department shall be increased by five, and the vacancies thus created shall be filled by promotion in the manner heretofore provided by law. (June 3, 1916, c. 134, § 8, 39 Stat. 169, amended, June 4, 1920, c. 227, subchapter I, § 8, 41 Stat. 765)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 8, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat. 895, contains the following· "Office of the Judge Advocate General * * For personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' $87,820. Provided, That not to exceed $25,000 shall be used for the employment of such experts and other employees as may be required by the Judge Advocate General of the Army for the preparation of evidence for use in behalf of the Government in claims or suits filed in Federal courts on account of alleged patent infringements and for like services in connection with other patent matters and for necessary per diem and traveling expenses in connection therewith, as authorized by law."

For this section prior to this amendment, see U. S. Comp St 1918, §§ 1775a, 1775b, 1999a, 1999b

§ 1775b. [Stricken by amendment.]

See ante, § 1775a, and note thereunder.

§ 1784. Quartermaster Corps—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general. three assistants with the rank of brigadier general, one thousand and fifty officers in grades from colonel to second lieutenant, inclusive, and twenty thousand enlisted men. (June 3, 1916, c. 134, § 9, 39 Stat 170, amended, June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 9, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above, and post, § 1784a(1)

This section was further amended by Act June 4, 1920, c 227, subchapter I, § 9, by adding thereto a new section, designated as section 9a. See post, § 1784a(2).

For this section prior to this amendment, see U S Comp St 1918, § 1784

For current appropriation for the Office of the Quartermaster General in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c 225, title I, 43 Stat 904

§ 1784a. [Superseded.]

This section (Act May 12, 1917, c. 12, 40 Stat. 50) is superseded by § 1784a(2), post

§ 1784a(1). Duties of Quartermaster General—The Quartermaster General. under the authority of the Secretary of War, shall be charged with the purchase and procurement for the Army of all supplies of standard manufacture and of all supplies common to two or more branches but not with the purchase or the procurement of special or technical articles to be used or issued exclusively by other supply departments,. with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army, with the storage and issue of supplies; with the operation of utilities, with the acquisition of all real estate and the issue of licenses in connection with Government reservations; with the transportation of the Army by land and water, including the transportation of troops and supplies by mechanical or animal means, with the furnishing of means of transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe. Provided, That special and technical articles used or issued exclusively by other branches of the service may be purchased or procured with the approval of the Assistant Secretary of War by the branches using or issuing such articles. and the chief of each branch may be charged with the storage and issue of property pertaining thereto: Provided further, That utilities pertaining exclusively to any branch of the Army may be operated by such branches (June 3, 1916, c. 134, § 9, 39 Stat 170, amended, June 4, 1920, c 227, subchapter I, § 9, 41 Stat. 766.)

See note to § 1784, ante

§ 1784a(1½). Technical experts in office of Quartermaster General; statement in Budget—Office of the Quartermaster General. * * In addition to the foregoing employees appropriated for in the office of the Quartermaster General, the services of technical experts and such other services as the Secretary of War may deem necessary may be employed in the office of the Quartermaster General, to be paid from the appropriation for "Incidental Expenses of the Army": Provided, That the entire expenditures for this purpose for the fiscal year 1926 shall not exceed $16,300, and there shall be included in the Budget for each fiscal year a statement of the number of persons so employed, their duties, and the amount paid to each. (June 7, 1924, c. 291, title I. 43 Stat. 490. Feb. 12, 1925, c. 225, title I, 43 Stat. 904.)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in the War Department appropriation act for the year 1925, also cited above.

§ 1784a(2). Finance Department; Chief of Finance; duties; agents of officers of Finance De-

partment—There is hereby created a Finance Department. The Finance Department shall consist of one Chief of Finance with the rank of brigadier general, one hundred and forty-one officers in grades from colonel to second lieutenant, inclusive, and nine hundred enlisted men.

The Chief of Finance, under the authority of the Secretary, shall be charged with the disbursement of all funds of the War Department, including the pay of the Army and the mileage for officers and the accounting therefor; and with such other fiscal and accounting duties as may be required by law, or assigned to him by the Secretary of War. Provided, That under such regulations as may be prescribed by the Secretary of War, officers of the Finance Department, accountable for public moneys, may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officer to whom the moneys are intrusted, as well as the officer who intrusts the moneys to him, shall be held pecuniarily responsible therefor to the United States (June 3, 1916, c. 134, § 9 [9a], added, June 4, 1920, c. 227, subchapter I, § 9, 41 Stat. 766.)

See note to § 1784, ante.

§ 1784a(3). Rank, pay, and allowances of Chief of Finance, and Chief of Chemical Warfare Service—The Chief of Finance and the Chief of the Chemical Warfare Service of the Army shall hereafter have the rank, pay, and allowances of a major general. (Feb. 24, 1925, c. 307, 43 Stat. 970)

This section is an act entitled "An act to amend the National Defense Act," cited above.

§ 1788c.

See post, § 1980a(1).

§ 1789a. Limitation on issue of reserve supplies or equipment—Under the authorizations contained in this Act no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or one million men. (June 7, 1924, c. 291, title I, 43 Stat. 509. Feb 12, 1925, c. 225, title I, 43 Stat. 924)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

§ 1806. Medical Department—The Medical Department shall consist of one Surgeon General with the rank of major general, two assistants with the rank of brigadier general, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men which until June 30, 1921, shall not exceed 5 per centum of the authorized enlisted strength and thereafter 5 per centum of the actual strength, commissioned and enlisted, of the Regular Army, the Army Nurse Corps as now constituted by law, and such contract surgeons as are now authorized by law. (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat 766.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 10, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above, and post, §§ 1807aaa(1)-1807aaa(13). See, also post, §§ 1839a, 1989a

For this section prior to this amendment, see U. S Comp. St 1918, §§ 1806, 1807, 1815a, 1833a, 1839a, 1989a, and post, notes to §§ 1807aaa, 1829a.

§ 1807a. [Stricken by amendment.]

See note to § 1806, ante.

§ 1807aa. Medical Corps; distribution of commissioned officers—The commissioned officers of the Medical Corps of the Regular Army, none of whom shall have rank above that of colonel, shall be proportionately distributed in the several grades as now provided by law. (July 9, 1918, c. 143, 40 Stat. 866.)

This section is a provision of the Army appropriation act for the fiscal year 1919, cited above.

§ 1807aaa. [Stricken by amendment]

This section, which was added to Act June 3, 1916, c 134, § 10 by Act July 9, 1918, c 143, subchapter XVII, § 1, 40 Stat 889, was stricken by amendment (see note to § 1806, ante) It read as follows

"Any person who at the time of the approval of this Act shall be and has been an officer of the Medical Reserve Corps, or contract surgeon, on active duty for twelve years subsequent to eighteen hundred and ninety-eight shall be eligible for appointment as first lieutenant in the Medical Corps, subject to examination And provided further, That any officer so eligible who fails to pass the physical examination by reason of disability incurred in line of duty shall be retired with the pay and allowances of a first lieutenant of the Medical Corps"

§ 1807aaa(1). Number of officers of Medical Corps and Medical Administrative Corps—The number of officers of the Medical Corps shall be six and one-half for every thousand, and of the Medical Administrative Corps, one for every two thousand, of the total enlisted strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this Act (June 3, 1916, c 134, § 10, 39 Stat 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat 767)

See note to § 1806, ante

§ 1807aaa(2). Number of officers of Dental Corps—The number of officers of the Dental Corps shall be one for every thousand of the total strength of the Regular Army, authorized from time to time, and within the peace strength permitted by this Act. (June 3, 1916, c. 134, § 10, 39 Stat 171, amended, June 4, 1920, c 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante

§ 1807aaa(3). Number of officers of Veterinary Corps—The number of officers of the Veterinary Corps shall be 175. (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante.

§ 1807aaa(4). Promotion of officers of Medical or Dental Corps—Hereafter an officer of the Medical or Dental Corps shall be promoted to the grade of captain after three years' service, to the grade of major after twelve years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante.

§ 1807aaa(5). Promotion of officers of Veterinary Corps—An officer of the Veterinary Corps shall be promoted to the grade of first lieutenant after three years' service, to the grade of captain after seven years' service, to the grade of major after fourteen years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767)

See note to § 1806, ante.

§ 1807aaa(6). Promotion of Officers of Medical Administrative Corps—An officer of the Medical Administrative Corps shall be promoted to the grade of first lieutenant after five years' service, and to the grade of captain after ten years' service. (June 3, 1916, c 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante.

§ 1807aaa(7). Promotion of officers of Medical Department; credit for service—For purposes of promotion there shall be credited to officers of the Medical Department all active commissioned service in the Regular Army whenever rendered; and also all such service rendered since April 6, 1917, in the Army or in the National Guard when in active service under a call by the President, except service under a re-

serve commission while in attendance at a school or camp for the training of candidates for commission. (June 3, 1916, c. 134, § 10, 39 Stat 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767)

See note to § 1806, ante

§ 1807aaa(8). Credit to officers of Dental and Veterinary Corps—To officers of the Dental Corps shall be credited their service as contract dental surgeons and acting dental surgeons, and to officers of the Veterinary Corps, their governmental veterinary service rendered prior to June 3, 1916 (June 3, 1916, c. 134, § 10, 39 Stat 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767)

See note to § 1806, ante

§ 1807aaa(9). Length of service of officers losing files—The length of service of any officer who shall have lost files by reason of sentence of court-martial or failure in examination for promotion shall be regarded as diminished to the equivalent of the service of the officer of his corps immediately preceding him in relative rank. (June 3, 1916, c 134, § 10, 39 Stat 171, amended, June 4, 1920, c 227, subchapter I, § 10, 41 Stat 767)

See note to § 1806, ante.

§ 1807aaa(10). Vacancies in Medical Department; filling—Of the vacancies in the Medical Department existing on July 1, 1920, such number as the President may direct shall be filled by the appointment on that date in any grade authorized by this section, of persons under the age of fifty-eight years, other than officers of the Regular Army, who served as officers of the Army at some time between April 6, 1917, and the date of the passage of this Act, the selection to be made by the board of general officers provided for in section 24, and subject to the restrictions as to age therein prescribed (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante.

§ 1807aaa(11). Qualifications of appointees in Medical Administrative Corps—Appointees in the Medical Administrative Corps must also have had at least five years' enlisted service in the Medical Department, and the number appointed in the grades of captain and first lieutenant under the provisions of this paragraph shall not exceed one-half of the whole number authorized for said corps. (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767)

See note to § 1806, ante.

§ 1807aaa(12). Future promotions in Medical, Dental, Veterinary and Medical Administrative Corps; credit for service—For purposes of future promotion, any person so appointed in the Medical or Dental Corps shall be considered as having had, on the date of appointment, service equal to that of the junior officer of his grade and corps now in the Regular Army; and in the Veterinary or Medical Administrative Corps, sufficient service to bring him to his grade under the rules established in this section. (June 3, 1916, c. 134, § 10, 39 Stat. 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat. 767.)

See note to § 1806, ante.

§ 1807aaa(13). Army Nurse Corps; relative rank—Hereafter the members of the Army Nurse Corps shall have relative rank as follows: The superintendent shall have the relative rank of major; the assistant superintendents, director and assistant directors, the relative rank of captain; chief nurses, the relative rank of first lieutenant; head nurses and nurses, the relative rank of second lieutenant; and as regards medical and sanitary matters and all other work within the line of their professional duties shall have authority in and about military hospitals next after the officers of the Medical Department The Secretary of War shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank (June 3, 1916, c 134, § 10, 39 Stat 171, amended, June 4, 1920, c. 227, subchapter I, § 10, 41 Stat 767)

See note to § 1806, ante

§ 1812.

For pay and allowances of contract surgeons see post, § 2089a(1), par. (k)

§ 1815a. [Stricken by amendment.]

See note to § 1806, ante.

§ 1816a. Medical Reserve Corps; distribution of officers in grades—The commissioned officers of the Medical Reserve Corps of the Regular Army, none of whom shall have rank above that of colonel, shall be proportionately distributed in the several grades as now provided by law for the Medical Corps of the Regular Army. Provided, That nothing in this Act shall be held or construed so as to discharge any officer of the Regular Army or deprive him of a commission which he now holds therein. (July 9, 1918, c. 143 40 Stat. 866)

From the Army appropriation act for the year 1919, cited above.

§ 1816aa. Pay and allowances of certain additional officers and nurses of Medical Reserve Corps—Pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Bureau treated in Army hospitals may be paid from the funds allotted to the War Department by that bureau under existing law. (June 30, 1922, c 253, title I, 42 Stat 723. March 2, 1923, c. 178, title I, 42 Stat. 1381. June 7, 1924, c. 291, title I, 43 Stat. 507. Feb. 12, 1925, c 225, title I, 43 Stat. 922.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 1829a. [Stricken by amendment]

This section (Act June 30, 1916, c. 134, § 10, 39 Stat 172, as amended by Act July 9, 1918, c. 143, subchapter XVII, § 1, 40 Stat 889) was stricken by amendment (see note to § 1806, ante). The amendment read as follows:

"The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first-class), sergeants, corporals, cooks, horseshoers, saddlers, stable sergeant[s], mechanics, privates (first-class), and privates: Provided, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than twelve months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General Provided further, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe Provided further, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this Act are hereby transferred to the corresponding grades of the Medical Department established by this Act: Provided further, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of five per centum of the total enlisted strength of the Army authorized from time to time by law. Provided further, That in time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require: Provided fur-

ther, That the number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of one per centum, hospital sergeants, one-half of one per centum, sergeants, first class, seven per centum, sergeants, eleven per centum; corporals, five per centum, and cooks, six per centum: Provided further, That the number of horseshoers, saddlers, stable sergeant[s], and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization Provided further, That in said department the number of privates, first class, shall not exceed twenty-five per centum of the number of privates: Provided further, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reduction shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength, but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid, and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application Provided further, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows As dispensary assistant, $2 a month, as nurse, $3 a month, as surgical assistant, $5 a month Provided further, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated."

§ 1831. [Repealed and superseded.]

This section (Act Feb 2, 1901, c. 192, § 19, 31 Stat 753, relating to the composition, etc, of the Nurse Corps, was repealed in part by a provision of Act July 9, 1918, c 143, subchapter V, § 7. It was also probably entirely superseded by further provisions of said Act July 9, 1918, c 143, subchapter V, relating to the Nurse Corps of the Army Said repealing provision was as follows: "That section nineteen of chapter one hundred and ninety-two of Thirty-first Statutes, page seven hundred and fifty-three, chapter fifty of Thirty-seventh Statutes, page seventy-two, that part of the Act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes, page five hundred and seventy-five), providing for allowances, subsistence, and medical care during illness for the Superintendent of the Nurse Corps; and that part of the Act approved March twenty-third, nineteen hundred and ten (Thirty-sixth Statutes, page two hundred and forty-nine) prescribing the pay of the superintendent and members of the Nurse Corps, be, and the same are, hereby repealed" The other provisions of said Act July 9, 1918, c 143, superseding the unrepealed portions of this section, are set forth post, §§ 1832b-1832g For text of this section, as originally enacted, see U S Comp St 1916, § 1831

Said repealing act also repealed a provision of Act Aug. 24, 1912, c. 391, § 1, 37 Stat 575, which read as follows

"For pay of one Superintendent Nurse Corps, one thousand eight hundred dollars: Provided, That the superintendent shall receive such allowances of quarters, subsistence and medical care during illness as may be prescribed in regulations by the Secretary of War."

§ 1832. [Repealed and superseded.]

This section (Act March 23, 1910, c 115, 36 Stat 249), relating to the pay and allowances of the members of the Nurse Corps, was repealed by a provision of Act July 9, 1918, c 143, subchapter V, § 7 Said repealing provision was as follows "That section nineteen of chapter one hundred and ninety-two of Thirty-first Statutes, page seven hundred and fifty-three; chapter fifty of Thirty-seventh Statutes, page seventy-two; that part of the Act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes, page five hundred and seventy-five), providing for allowances, subsistence, and medical care during illness for the Superintendent of the Nurse Corps, and that part of the Act approved March twenty-third, nineteen hundred and ten (Thirty-sixth Statutes, page two hundred and forty-nine) prescribing the pay of the superintendent and members of the Nurse Corps, be, and the same are, hereby repealed." This section was also superseded by further provisions of said Act July 9, 1918, c. 143, subchapter V, set forth post, §§ 1832b-1832g

See, also, post, § 2144aa.

§ 1832b. Army Nurse Corps; composition—Army Nurse Corps: The Nurse Corps (female) of the Medical Department of the Army shall hereafter be known as the Army Nurse Corps, and shall consist of one superintendent, who shall be a graduate of a hospital-training school having a course of instruction of not less than two years, of as many chief nurses, nurses, and reserve nurses as may from time to time be needed and prescribed or ordered by the Secretary of War, and, in the discretion of the Secretary of War, of not exceeding six assistant superintendents, and, for each Army or separate military force beyond the continental limits of the United States, one director and not exceeding two assistant directors of nursing service, all of whom shall be graduates of hospital-training schools and shall have passed such professional, moral, mental, and physical examination as shall be prescribed by the Secretary of War. (July 9, 1918, c 143, subchapter V, § 1, 40 Stat. 879)

This section, and the five sections next following are a part of the Army appropriation act for the fiscal year 1919, cited above Said provisions were preceded by the subchapter heading V See, also, §§ 1831, 1832, ante, and § 2110, post.

§ 1832c. Same; rules and regulations—Rules and regulations prescribing the duties of the members of the Army Nurse Corps shall be prescribed by the Surgeon General of the United States Army, subject to the approval of the Secretary of War. (July 9, 1918, c. 143, subchapter V, § 2, 40 Stat. 879.)

See note to § 1832b, ante

§ 1832d. Same; appointment and removal—The superintendent shall be appointed by, and, at his discretion, be removed by, the Secretary of War; that all other members of said corps shall be appointed by, and, at his discretion, be removed by, the Surgeon General by and with the approval of the Secretary of War; but the assistant superintendents, the directors, the assistant directors, and the chief nurses shall by appointed by promotion from other members of the corps, and shall, upon being relieved from duty as such, unless removed for incompetency or misconduct, revert to the grades in the corps from which they were promoted (July 9, 1918, c 143, subchapter V, § 3, 40 Stat. 879.)

See note to § 1832b, ante

§ 1832e. Same; pay—The annual rate of pay of the members of said corps shall be as follows: Superintendent, $2,400, assistant superintendents and directors, $1,800, assistant directors, $1,500; chief nurses, $360 in addition to the pay of a nurse; nurses, $720 for the first period of three years' service, $780 for the second period of three years' service, $840 for the third period of three years' service, $900 for the fourth period of three years' service, and $960 after twelve years' service in said corps (including in all cases time of service as contract nurse); reserve nurses, when upon active duty, will receive the same pay as nurses who have served in the corps for periods corresponding to the full period of their active service; and all members of said corps, in addition to the foregoing, the sum of $10 per month when serving beyond the continental limits of the United States (excepting Porto Rico and Hawaii). (July 9, 1918, c. 143, subchapter V, § 4, 40 Stat. 879, amended, Feb. 28, 1919, c. 80, 40 Stat. 1211)

This section was amended by Act Feb. 28, 1919, c. 80, cited above. This amendment consisted in increasing the additional pay of chief nurses from $120 to $360. This amendment is effective as of and from July 9, 1918.

See, also, note to § 1832b, ante

For pay and allowances to army nurses see post, § 2089a(13).

§ 1832f. Same; leaves of absence—Members of said Nurse Corps shall be entitled to cumulative leave of absence with pay at the rate of thirty days for each calendar year of service in said corps, not exceeding, however, one hundred and twenty days at one time, and in addition thereto sick leave not exceeding thirty days in any one calendar year in cases of illness or

injury incurred in the line of duty. (July 9, 1918, c. 143, subchapter V, § 5, 40 Stat. 879)

See note to § 1832b, ante

§ 1832g. Same; allowances—Members of said Nurse Corps shall receive transportation and necessary expenses when traveling under orders, and such allowances of quarters and subsistence and, during illness, such medical care as may be prescribed in regulations by the Secretary of War; and when at places where no public quarters are available, commutation in lieu thereof, and of heat and light therefor at such rates and upon such conditions as are now or shall hereafter be provided by law. (July 9, 1918, c. 143, subchapter V, § 6, 40 Stat. 879)

See note to § 1832b, ante

§ 1833a. [Stricken by amendment.]

See note to § 1806, ante

§ 1839a. Detail of officers of Medical Department to Military relief division of Red Cross—The President is authorized to detail not more than five officers of the Medical Department for duty with the military relief division of the American National Red Cross. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat 785.)

This section as originally enacted was a part of § 10 of Act June 3, 1916, c. 134, 39 Stat 171 Said § 10 was amended by Act June 4, 1920, c 227, subchapter I, § 10, by striking out the section including this section, and enacting a new section in lieu thereof Said new section, so enacted did not contain the substance of this section. But said Act June 4, 1920, c. 227, subchapter I, § 51, cited above, amended said Act June 3, 1916, c 134, by adding thereto a new section designated as section 127a This section is a part of said section 127a

See notes to § 1806, ante, and § 1899aa, post.

§ 1840.

For current appropriation for the Office of the Chief of Engineers in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c 225, title I, 43 Stat 912 Said act also contains the following "The services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, preparation for and the consideration of river and harbor estimates and bills, fortifications, engineer equipment of troops, engineer operations in the field, and other military purposes, to be paid from such appropriations Provided, That the expenditures on this account for the fiscal year 1926 shall not exceed $160,000, the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each."

§ 1842a. Corps of Engineers—The Corps of Engineers shall consist of one Chief of Engineers with the rank of major general, one assistant with the rank of brigadier general, six hundred officers in grades from colonel to second lieutenant, inclusive, and twelve thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 3, 1916, c. 134, § 11, 39 Stat. 173, amended, July 9, 1918, c. 143, 40 Stat. 868, and June 4, 1920, c. 227, subchapter I, § 11, 41 Stat. 768.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 11, cited above by striking out the original section and inserting in lieu thereof the section as set forth above

Prior to this amendment this section read as follows: "The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier general, twenty-three colonels, thirty lieutenant colonels, seventy-two majors, one hundred and fifty-two captains; one hundred and forty-eight first lieutenants; seventy-nine second lieutenants, and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of one band, seven regiments, and two mounted battalions.

"Each regiment of Engineers shall consist of one colonel, one lieutenant colonel; two majors, eleven captains, twelve first lieutenants, six second lieutenants, two master engineers, senior grade, one regimental sergeant major, two regimental supply sergeants, two color sergeants, one sergeant bugler, one cook; one wagoner for each authorized wagon on the field and combat train; one band, and two battalions Provided, That the present Engineer band shall be considered as one of the bands provided for above

"Each battalion of a regiment of Engineers shall consist of one major, one captain, one battalion sergeant major three master engineers, junior grade, and three companies. Each Engineer company (regimental) shall consist of one captain, two first lieutenants, one second lieutenant, one first sergeant, three sergeants, first class, one mess sergeant, one supply sergeant, one stable sergeant, six sergeants, twelve corporals, one horseshoer, two buglers, one saddler, two cooks, nineteen privates, first class, and fifty-nine privates Provided, That the President may, in his discretion, increase a regiment of Engineers by two master engineers, senior grade, and two sergeants, each battalion of a regiment of Engineers by three master engineers, junior grade, and each Engineer company (regimental) by two sergeants, six corporals, one cook, twelve privates, first class, and thirty-four privates

"The Engineer band shall consist of one band leader, one assistant band leader, one first sergeant, two band sergeants, four band corporals, two musicians, first class, four musicians second class, thirteen musicians, third class, and two cooks

"Each battalion of mounted Engineers shall consist of one major five captains, seven first lieutenants, three second lieutenants, one master engineer, senior grade, one battalion sergeant major, one battalion supply sergeant, three master engineers, junior grade, one corporal, one wagoner for each authorized wagon of the field and combat train, and three mounted companies Each mounted Engineer company shall consist of one captain; two first lieutenants, one second lieutenant; one first sergeant, two sergeants, first class, one mess sergeant, one supply sergeant, one stable sergeant; four sergeants, eight corporals two horseshoers, one saddler, two cooks, two buglers, twelve privates, first class, and thirty-seven privates Provided, That the president may, in his discretion, increase the battalions of mounted Engineers by one master engineer, senior grade, two sergeants, and three master engineers, junior grade, and a mounted Engineer company by two sergeants, three corporals, eight privates, first class, and twenty-four privates Provided further, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army."

§ 1842b. [Stricken by amendment.]

See note to § 1920a, post.

§ 1848. Ordnance Department—The Ordnance Department shall consist of one Chief of Ordnance with the rank of major general, two assistants with the rank of brigadier general, three hundred and fifty officers in grades from colonel to second lieutenant, inclusive, and four thousand five hundred enlisted men. (June 3, 1916, c 134, § 12, 39 Stat. 174, amended, June 4, 1920, c. 227, subchapter I, § 12, 41 Stat. 768.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 12, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

This section was further amended by Act June 4, 1920, c 227, subchapter I, § 12, by adding thereto a new section designated as section 12a. See post, § 1848a(1).

For this section prior to this amendment, see U. S. Comp. St. 1918, § 1848

So much of this section as originally enacted as reads as follows "Provided, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer"—was repealed by Act Jan. 24, 1920, c. 53, 41 Stat. 396.

For current appropriation for the Office of Chief of Ordnance in accordance with the Classification Act of 1923, see Act Feb. 12, 1925, c. 225, title I, 43 Stat 915. Said act also contains the following. "The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the National Guard, to be paid from such appropriations Provided, That the entire expenditures for this purpose for the fiscal year 1926 shall not exceed $260,000, and the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each."

§ 1848a(1). Chemical Warfare Service; Chief; duties—There is hereby created a Chemical Warfare Service. The Chemical Warfare Service shall consist

of one Chief of the Chemical Warfare Service with the rank of brigadier general, one hundred officers in grades from colonel to second lieutenant, inclusive, and one thousand two hundred enlisted men. The Chief of the Chemical Warfare Service under the authority of the Secretary of War shall be charged with the investigation, development, manufacture, or procurement and supply to the Army of all smoke and incendiary materials, all toxic gases, and all gas-defense appliances; the research, design, and experimentation connected with chemical warfare and its material, and chemical projectile filling plants and proving grounds, the supervision of the training of the Army in chemical warfare, both offensive and defensive, including the necessary schools of instruction; the organization, equipment, training, and operation of special gas troops, and such other duties as the President may from time to time prescribe. (June 3, 1916, c 134, § 12 [12a] added, June 4, 1920, c. 227, subchapter I, § 12, 41 Stat 768)

See note to § 1848, ante

For current appropriation for the Office of Chief of Chemical Warfare Service in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c 225, title I, 43 Stat 916. Said act also contains the following "The services of chemists and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of the Chemical Warfare Service to carry into effect the appropriation for Chemical Warfare Service, to be paid from such appropriation Provided, That the total expenditures for this purpose for the fiscal year 1926 shall not exceed $19,160, and the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each"

The Chief of the Chemical Warfare Service is given the rank, pay, and allowances of a major general by Act Feb. 24, 1925, c. 307, ante, § 1784a(3).

§ 1852. [Repealed]

This section (R S § 1110), was repealed by Act Jan. 24, 1920, c 53, 41 Stat. 396

§ 1859b. Ordnance Department; disbursing officer to pay civilian employés—The Chief of Ordnance is authorized to appoint one of the Army officers serving in his office as disbursing officer to pay the civilian employees in the Ordnance Office authorized in this or any other appropriation Act for the fiscal year nineteen hundred and nineteen (July 3, 1918, c. 130, § 1, 40 Stat 785)

From the legislative, executive, and judicial appropriation act for the year 1919, cited above It supersedes a somewhat similar provision in Act March 28, 1918, c. 28, § 1, 40 Stat. 473.

§ 1860. Signal Corps—The Signal Corps shall consist of one Chief Signal Officer with the rank of major general, three hundred officers in grades from colonel to second lieutenant, inclusive, and five thousand enlisted men, such part of whom as the President may direct being formed into tactical units organized as he may prescribe. (June 3, 1916, c. 134, § 13, 39 Stat 174, amended, June 4, 1920, c. 227, subchapter I, § 13, 41 Stat 768.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 13, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

This section was further amended by Act June 4, 1920, c. 227, subchapter I, § 13, by adding thereto a new section, designated as section 13a. See post, § 1860a(1)

For this section prior to this amendment, see U. S. Comp. St. 1918, § 1860

For current appropriation for the office of the Chief Signal Officer in accordance with the Classification Act of 1923, see Act Feb. 12, 1925, c 225, title I, 43 Stat 906 Said act also contains the following: "The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office. Provided, That the entire expenditures for this purpose for the fiscal year 1926 shall not exceed $35,000, and the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each"

§ 1860a(1). Air Service; Chief; flying units; flying cadets—There is hereby created an Air Service The Air Service shall consist of one Chief of the Air Service with the rank of major general, one assistant with the rank of brigadier general, one thousand five hundred and fourteen officers in grades from colonel to second lieutenant, inclusive, and sixteen thousand enlisted men, including not to exceed two thousand five hundred flying cadets, such part of whom as the President may direct being formed into tactical units, organized as he may prescribe. Provided, That not to exceed 10 per centum of the officers in each grade below that of brigadier general who fail to qualify as aircraft pilots or as observers within one year after the date of detail or assignment shall be permitted to remain detailed or assigned to the Air Service Flying units shall in all cases be commanded by flying officers Officers and enlisted men of the Army shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and hereafter no person shall receive additional pay for aviation duty except as prescribed in this section: Provided, that nothing in this Act shall be construed as amending existing provisions of law relating to flying cadets (June 3, 1916, c 134, § 13 [13a], added, June 4, 1920, c. 227, subchapter I, § 13, 41 Stat 768.)

See note to § 1860, ante

For current appropriation for the Office of the Chief of Air Service in accordance with the Classification Act of 1923, see Act Feb 12, 1925, c 225, title I, 43 Stat 908 Said act also contains the following "The services of legal assistant, aeronautical engineers, skilled draftsmen, and such technical and other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Air Service to carry into effect the various appropriations for aeronautical purposes, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the office of the Chief of Air Service Provided, That the entire expenditure for this purpose for the fiscal year 1926 shall not exceed $80,000, and the Secretary of War shall each year in the Budget report to Congress the number of persons so employed, their duties, and the amount paid to each"

§ 1860a(1½). Same; increase of flying pay—The authorization for increase of flying pay contained in section 13a of the Act of June 4, 1920, shall be construed to include any officer of any branch of the service who may be ordered by proper authority to perform duty requiring him to participate regularly and frequently in aerial flights. (June 30, 1922, c. 253, title I, 42 Stat. 724.)

From the War Department appropriation act for the year 1923, cited above

§ 1860a(1½). Air Service; increased pay to enlisted men—For aviation increase to enlisted men of the Army, * * *. Provided, That this appropriation shall not be available for increased pay on flying status to more than seven hundred enlisted men. (June 30, 1922, c. 253, title I, 42 Stat. 724. March 2, 1923, c. 178, title I, 42 Stat 1384. June 7, 1924, c 291, title I, 43 Stat. 481. Feb. 12, 1925, c. 225, title I, 43 Stat 896)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts.

§ 1860a(2). Same; pay of junior military aviators and military aviators—In lieu of the 50 per centum increase of pay provided for in this Act any officer or enlisted man upon whom the rating of junior military aviator, or military aviator, has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall, while on duty which requires him to participate regularly and frequently in aerial flights, continue to have the rank, pay, and allowances and additional pay now provided by the

Act of June 3, 1916, and the Act of July 24, 1917. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785)

See note to § 1899aa, post

§ 1860a(3). Same; control of aerial operations—Hereafter the Army Air Service shall control all aerial operations from land bases, and Naval Aviation shall have control of all aerial operations attached to a fleet, including shore stations whose maintenance is necessary for operation connected with the fleet, for construction and experimentation and for the training of personnel (June 5, 1920, c. 240, 41 Stat 954)

From the Army appropriation act for the year 1921, cited above.

§ 1867bb. Air Service; instruction for aviation students—The Secretary of War is hereby authorized and directed to establish and maintain at one or more established flying schools courses of instruction for aviation students. (July 11, 1919, c. 8, 41 Stat. 109.)

From the Army appropriation act for the year 1920, cited above

§ 1867bbb. Same; aviation students; grade of flying cadet, Air Service; base pay; ration allowance—Aviation students shall be enlisted in or appointed to the grade of flying cadet, Air Service, which grade is hereby established: Provided, That the total number of flying cadets shall not at any time exceed one thousand three hundred. The base pay of a flying cadet shall be $75 per month, including extra pay for flying risk as provided by law The ration allowance of a flying cadet shall not exceed $1 per day, and his other allowances shall be those of a private, first class, Air Service. (July 11, 1919, c. 8, 41 Stat. 109)

From the Army appropriation act for the year 1920, cited above

§ 1867bbbb. Same; flying cadets; discharge; commission in Officers' Reserve Corps—Upon completion of a course prescribed for flying cadets, each flying cadet, if he so desire, may be discharged and commissioned as a second lieutenant in the Officers' Reserve Corps: Provided, That the Secretary of War is authorized to discharge at any time any flying cadet whose discharge shall have been recommended by a board of not less than three officers. (July 11, 1919, c. 8, 41 Stat. 109)

From the Army appropriation act for the year 1920, cited above

§ 1867ccc. Air Service; mileage; officers traveling on aviation duty—Hereafter mileage to officers of the Army traveling on duty in connection with aviation shall be paid from the appropriation for the work in connection with which the travel is performed. (July 9, 1918, c. 143, 40 Stat. 849.)

From the Army appropriation act for the fiscal year 1919, cited above.

§ 1867cccc. Air Service; detail of Army officers to schools, colleges, etc., for instruction in aeronautic engineering—That the Secretary of War be, and he hereby is, authorized to detail such officers of the Army as he may select, not exceeding twenty-five at any one time, to attend and pursue courses of aeronautic engineering or associate study at such schools, colleges, and universities as he may select. (May 10, 1920, c. 175, § 1, 41 Stat. 594.)

This section, and the section next following, are an act entitled "An act to provide for the training of officers of the Army in aeronautic engineering," cited above.

§ 1867ccccc. Same; tuition and supplies—The Secretary of War is authorized to pay tuition for the officers so detailed and to provide them with necessary text-books and technical supplies from any moneys available for the Air Service of the Army not otherwise specifically appropriated. (May 10, 1920, c. 175, § 2, 41 Stat 594)

See note to § 1867cccc, ante

§ 1867dd½. Air Service; apportionment of appropriations for aviation purposes—The President may hereafter apportion and allot the moneys herein or heretofore appropriated for aviation purposes in such manner as he may deem most advisable for the accomplishment of said purposes with the same force and effect as though such apportionment had been made by this Act (July 9, 1918, c. 143, 40 Stat 849)

From the Army appropriation act for the year 1919, cited above

§ 1867dddd. Air Service; reservation of Government property or public lands for aviation purposes—By order of the President any Government property or unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations or fields for testing and experimental work. (July 9, 1918, c. 143, 40 Stat 848.)

From the Army appropriation act for the year 1919, cited above

§ 1867p. Air Service; qualifications for service in aviation service—No person otherwise qualified for service as a cadet, pilot, military aviator, or other officer in the aviation service, shall be barred from such service by reason of not being equipped with a college education (July 9, 1918, c. 143, 40 Stat 849.)

From the Army appropriation act for the year 1919, cited above.

§ 1867q. Air Service; bond to indemnify for injuries caused by exhibition flights—None of the funds appropriated under this title shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition. (March 2, 1923, c. 178, title I, 42 Stat 1398. June 7, 1924, c. 291, title I, 43 Stat. 492. Feb. 12, 1925, c. 225, title I, 43 Stat. 908)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 1867r. Contracts for new air planes, etc.—* * * In addition to the amount herein appropriated and specified for expenditure for the production and purchase of new airplanes and their equipment, spare parts and accessories, the Chief of the Air Service, when authorized by the Secretary of War, may enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories to an amount not in excess of $2,150,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof. Authorization as herein granted for the acquisition of land or interest in land by purchase, lease, or condemnation where necessary to explore for, procure, or reserve helium gas, and also for the purchase, manufacture, construction, maintenance, and operation of plants for the production thereof and experiments therewith is likewise hereby granted to the Navy Department. (Feb. 12, 1925, c. 225, title I, 43 Stat. 908.)

From the War Department appropriation act for the year 1926, cited above.

§ 1868a. The chaplains; rank, pay, and allowances; chief of chaplains; filling vacancies; promotion—There shall be one chaplain for every twelve hundred officers and enlisted men of the Regular Army, exclusive of the Philippine Scouts and the unassigned recruits, authorized from time to time in

accordance with law and within the peace strength permitted by this Act Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6 1917, in the National Guard while in active service under a call by the President, as follows. Less than five years, first lieutenant, five to fourteen years, captain, fourteen to twenty years, major; over twenty years, lieutenant colonel. One chaplain of rank not below that of major may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving His duties shall include investigation into the qualifications of candidates for appointment as chaplain, and general coordination and supervision of the work of chaplains Of the vacancies existing on July 1, 1920, such number as the President may direct shall be filled by appointment on that date of persons under the age of fifty-eight years, other than chaplains of the Regular Army, who served as chaplains in the Army at some time between April 6, 1917, and the date of the passage of this Act Such appointments may be made in grades above the lowest under the same restrictions as to age and rank as are hereinafter prescribed for original appointments in other branches of the service, and in accordance with the recommendation of the board of officers provided for in section 24. For purposes of future promotion, persons so appointed shall be considered as having had, on the date of appointment, sufficient prior service to bring them to their respective grades under the rules of promotion established in this section (June 3, 1916, c 134, § 15, 39 Stat. 176, amended, May 12, 1917, c 12, 40 Stat 72, May 25, 1918, c. 85, 40 Stat 561, and June 4, 1920, c 227, subchapter I, § 15, 41 Stat. 769)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 15, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U. S Comp. St 1918, § 1868a

§ 1881a. Officers' Reserve Corps; grades; appointment and commissions; term of service; discharge; qualifications; promotions and transfers; assignment to units; existing commissions; commissions in National Guard—Officers Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war or made in time of war shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace a reserve officer must at the time of his appointment be a citizen of the United States or of the Philippine Islands, between the ages of twenty-one and sixty years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade Any person commissioned in the National Guard and recognized as a National Guard officer by the Secretary of War may upon his own application be appointed as a reserve officer in the grade held by him in the National Guard. No other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, officers of the National Guard recognized as such by the Secretary of War, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard, and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command So far as practicable reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this Act shall operate to deprive a reserve officer of the reserve commission he now holds Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission (June 3, 1916, c 134, § 37, 39 Stat 189, amended, May 12, 1917, c 12, 40 Stat 73, June 4, 1920, c. 227, subchapter I, § 32, 41 Stat 775, and Sept 22, 1922, c. 423, § 2, 42 Stat. 1033)

This section was again amended by Act June 4, 1920, c 227, subchapter I, § 32, cited above, by striking out the original section and inserting in lieu thereof the section as follows "For the purpose of providing a reserve of officers available for military service when needed, there shall be organized an Officers' Reserve Corps consisting of general officers, of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct The grades in each section and the number in each grade shall be as the President may prescribe Reserve officers shall be appointed and commissioned by the President alone, except general officers who shall be appointed by and with the advice and consent of the Senate Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war, or made in time of war, shall continue in force until six months after its termination Any reserve officer may be discharged at any time in the discretion of the President A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor In time of peace, a reserve officer must, at the time of his appointment, be a citizen of the United States or of the Philippine Islands, between the ages of twenty-one and sixty years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time, may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade, any person now serving as an officer of the National Guard may be appointed as a reserve officer in his present or any lower grade, no other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard, and enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918 Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command, but no reserve officer shall be promoted to any grade in time of peace until he has held a commission for at least one year in the next lower grade So far as practicable, reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this Act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission."

This section was further amended by Act June 4, 1920, c.

227, subchapter 1, § 32, by adding a section thereto, designated as section 37a See post, § 1881a(1)
For this section prior to this amendment, see U S Comp St 1918, § 1881a
This section was again amended by Act Sept 22, 1922, c 423, § 2, cited above, to read as set forth above

§ 1881a(1). Reserve officers on active duty; pay and allowances; retirement—To the extent provided for from time to time by appropriations for this specific purpose the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than fifteen days in any calendar year without his own consent A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of Active Service, and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay. (June 3, 1916, c 134, § 37 [37a], added, June 4, 1920, c 227, subchapter I, § 32, 41 Stat 776)

See note to § 1881a, ante

§ 1881a(1½). Same; expenditure for pay limited—For pay and allowances of members of the Officers' Reserve Corps. * * * No portion of this appropriation shall be expended for the pay of a reserve officer on active duty for a longer period than fifteen days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army Reorganization Act approved June 4, 1920, or who may be detailed for courses of instruction at the general or special service schools of the Army, or who may be detailed for duty as instructors at civilian military training camps, appropriated for in this Act, or who may be detailed for duty with tactical units of the Air Service, as provided in section 37a of the Army Reorganization Act approved June 4, 1920 * * (June 30, 1921, c. 33, § 1, 42 Stat. 73. June 30, 1922, c. 253, title I, 42 Stat 723 March 2, 1923, c. 178, title I, 42 Stat 1381. June 7, 1924, c. 291, title I, 43 Stat 507 Feb. 12, 1925, c 225, title I, 43 Stat. 922)

From the War Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 1881a(2). Mileage of members of Officers' Reserve Corps called into active service for training—The mileage allowance to members of the Officers' Reserve Corps when called into active service, for training for fifteen days or less shall not exceed 4 cents per mile. (June 30, 1922, c. 253, title I, 42 Stat. 725 March 2, 1923, c. 178, title I, 42 Stat. 1381 June 7, 1924, c. 291, title I, 43 Stat. 506. Feb. 12, 1925, c 225, title I, 43 Stat. 921)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 1881a(3). Same; land grant deductions not applicable—The laws providing for land-grant deductions shall not apply to travel at 4 cents per mile heretofore performed by members of the Officers' Reserve Corps under the War Department appropriation Act for the fiscal year 1923, approved June 30, 1922. * * (March 2, 1923, c. 178, title I, 42 Stat. 1381.)

From the War Department appropriation act for the year 1924, cited above.

§ 1881a(4). Medical and hospital treatment, transportation, and subsistence for members of Officers' Reserve Corps, Enlisted Reserve Corps, National Guard, civilian military training camps injured in line of duty, etc.—Officers, warrant officers, and enlisted men of the National Guard injured in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97 and 99 of the National Defense Act of June 3, 1916, as amended, members of the officers' reserve corps and of the enlisted reserve corps of the Army injured in line of duty while on active duty under proper orders; persons hereinbefore described who may now be undergoing hospital treatment for injuries so sustained shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense, and to a continuation of the pay and allowances whether in money or in kind, they were receiving at the time of such injuries, until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. Officers, warrant officers, and enlisted men of the National Guard injured in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said National Defense Act as amended shall, under regulations prescribed as aforesaid, be entitled from the date such injury was sustained to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while in line of duty at encampments, maneuvers, or other exercises under aforementioned section 94 of the National Defense Act And members of the officers' reserve corps and enlisted reserve corps injured while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, shall, under regulations prescribed as aforesaid, be entitled, from the date such injury was sustained, to the same medical and hospital treatment at Government expense, pay and allowances, and transportation to their homes, as if such injury had occurred while on active duty under proper orders Any person hereinbefore described, injured as aforesaid, who shall remain disabled for more than six months, shall, during the period of disability in excess of six months and until fit for transportation to his home, be entitled to medical and hospital treatment and to subsistence at Government expense, and when fit for transportation shall be entitled to transportation to his home at Government expense, but shall not during such period in excess of six months be entitled to other compensation Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated. Members of the reserve officers' training corps and members of the civilian military training camps injured in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said National Defense Act, as amended, shall be entitled to medical and hospital treatment and transportation to their homes as in the case of persons hereinbefore described, and subsistence at Government expense until furnished such transportation, under such regulations as the President may prescribe. If the death of any person mentioned herein occurs while he is undergoing the training or medical and hospital treatment contemplated in this section, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed $100, as may be fixed in regulations prescribed by the President. (March 4, 1923, c. 281, § 6, 42 Stat 1508, amended, June 3, 1924, c. 244, § 4, 43 Stat. 364.)

This section, as originally enacted, read as follows: "Officers, warrant officers, and enlisted men of the National Guard injured in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders; members of the Reserve Officers' Training Corps, and members of the civil-

ian military training camps, injured in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said National Defense Act as amended, and anyone belonging to any of said classes of persons who may now be undergoing hospital treatment for such injuries so sustained, shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense Officers and enlisted men of the National Guard air service injured in line of duty when performing the duties and exercises described in section 92 of said National Defense Act as amended which involve flying, shall be entitled to like medical and hospital treatment and to like transportation to their homes Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated Provided, That officers and warrant officers undergoing treatment in hospital under any of the foregoing provisions while not in receipt of pay, and other persons undergoing hospital treatment under any of the foregoing provisions, shall be entitled to subsistence at Government expense"

§ 1881b. Commissions of Reserve officers—All persons appointed reserve officers shall be commissioned in the Army of the United States Officers of the National Guard, federally recognized as such under the provisions of this Act, who are appointed reserve officers under the provisions of section 37 of this Act, shall be appointed for the period during which such recognition shall continue in effect and terminating at the expiration thereof in lieu of the five-year period hereinbefore prescribed, and in time of peace shall be governed by such special regulations appropriate for this class of reserve officers as the Secretary of War may prescribe (June 3, 1916, c. 134, § 38; added, June 6, 1924, c. 275, § 3, 43 Stat 470)

This section was added to the National Defense Act by Act June 6, 1924, c 275, § 3, cited above, in place of section 38 of said National Defense Act stricken by Act June 4, 1920, c. 227, subchapter 1, § 31, 41 Stat 775

§ 1881bbb. Officers' Reserve Corps; grade of officers appointed to from emergency Army—Officers of the emergency Army appointed to the Officers' Reserve Corps may be appointed therein to the grade held by them in the emergency Army or next higher grade, as the Secretary of War may direct. (July 11, 1919, c. 8, 41 Stat. 120)

From the Army appropriation act for the year 1920, cited above

§ 1881c. [Stricken by amendment]

This section (Act June 3, 1916, c 134, § 39, 39 Stat 191), was amended by Act June 4, 1920, c. 227, subchapter I, § 31, 41 Stat 775, by striking out the section

§ 1881d. Reserve Officers' Training Corps; organization—The president is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, one or more units in number, which shall consist of a senior division organized at universities and colleges granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the Act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading objects shall be practical instruction in agriculture and the mechanic arts, including military tactics, and at those essentially military schools not conferring academic degrees, specially designated by the Secretary of War as qualified, and a junior division organized at all other public and private educational institutions, and each division shall consist of units of the several arms, corps, or services in such number and such strength as the President may prescribe: Provided, That no such unit shall be established or maintained at any institution until an officer of the Regular Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students, except that in the case of units other than infantry, cavalry or artillery, the minimum number shall be fifty. Provided further, That except at State institutions described in this section, no unit shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course, when entered upon by any student, shall as regards such student, be a prerequisite for graduation unless he is relieved of this obligation by regulations to be prescribed by the Secretary of War. (June 3, 1916, c 134 § 40, 39 Stat 191, amended, June 4, 1920, c 227, subchapter I, § 33, 41 Stat. 776)

This section, and Act June 3, 1916, c 134, §§ 41, 42, 43, 45, and 46, were amended by Act June 4, 1920, c 227, subchapter I, § 33, cited above, by striking out the original sections and inserting in lieu thereof the section as set forth above

The above sections were further amended by Act June 4, 1920, c 227, subchapter I, § 33, by adding two new sections, designated as sections 40a and 40b See post, §§ 1881d(1), 1881d(2)

For these sections prior to this amendment, see U S Comp St 1918, §§ 1881d, 1881e, 1881g, 1881i, 1881j and post, note to § 1881f

For current appropriation for the Reserve Officers' Training Corps, see Act Feb. 12, 1925, c 225, title I, 43 Stat 923 Said act also provides as follows. "Provided further, That none of the funds appropriated elsewhere in this Act, except for printing and binding, shall be used for expenses in connection with the Reserve Officers' Training Corps * * Provided further, That none of the funds appropriated in this Act shall be used for the organization or maintenance of additional mounted, motor transport, or tank units in the Reserve Officers' Training Corps"

§ 1881d(1). Same; courses of training—The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of such corps shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training or to devote at least an average of three hours per week per academic year to such military training, except as provided in section 47c of this Act (June 3, 1916, c. 134, § 40 [40a], added, June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 777.)

See note to § 1881d, ante.

§ 1881d(2). Same; personnel for duty with—The President is hereby authorized to detail such numbers of officers, warrant officers, and enlisted men of the Regular Army, either active or retired, as may be necessary for duty as professors of military science and tactics, assistant professors of military science and tactics, and military instructors at educational institutions where one or more units of the Reserve Officers' Training Corps are maintained In time of peace retired officers, retired warrant officers, or retired enlisted men shall not be detailed under the provisions of this section without their consent, and no officer on the active list shall be detailed for recruiting service or for duty at a school or college, not including schools of the service, where officers on the retired list can be secured who are competent for such duty. Hereafter retired officers below the grade of brigadier general and retired warrant officers and enlisted men shall, when on active duty, receive full pay and allowances. (June 3, 1916, c. 134, § 40 [40b], added, June 4, 1920, c. 227, subchapter I, § 33, 41 Stat. 777.)

See note to § 1881d, ante.

§ 1881d(3). Details to educational institutions; retired officers of Philippine Scouts—The authority for detail of retired officers of the Regular Army contained in section 40b and section 55c of the National Defense Act of June 3, 1916, as amended by the Act of June 4, 1920, shall, in either case, be construed to include authority to so detail retired offi-

cers of the Philippine Scouts. (March 3, 1925, c 411, § 1, 43 Stat 1099)

This section, and the four sections next following are an act entitled "An act to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, and for other purposes," cited above.

§ 1881d(4). Same; detail duty by retired officers as active duty for computation of longevity pay—Duty performed by retired officers of the Regular Army and duty performed by retired officers of the Philippine Scouts, pursuant to War Department orders issued under section 40b or section 55c, respectively, of said National Defense Act of June 3, 1916, as amended by the Act of June 4, 1920, including in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the National Defense Act of June 3, 1916, as amended by the Act of June 4, 1920, and the Act of May 12, 1917, entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes," and the Act of June 10, 1922, entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service" (March 3, 1925, c. 411, § 2, 43 Stat. 1099.)

See note to § 1881d(3), ante

§ 1881d(5). Same; previous detail duty by retired officers of Philippine Scouts as active duty for computation of longevity pay—Duty heretofore performed by retired officers of the Philippine Scouts, pursuant to War Department orders purporting to have been issued under section 40b or section 55c, respectively, of said National Defense Act of June 3, 1916, as amended by the Act of June 4, 1920, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers, within the meaning of the aforesaid Act of June 3, 1916, as amended by the Act of June 4, 1920, and the aforesaid Act of May 12, 1917, and the aforesaid Act of June 10, 1922. (March 3, 1925, c. 411, § 3, 43 Stat. 1100.)

See note to § 1881d(3), ante

§ 1881d(6). Same; detail duty by retired officers as active duty for promotion purposes—Duty performed prior to July 1, 1922, by retired officers of the Regular Army and duty performed prior to June 10, 1922, by retired officers of the Philippine Scouts, pursuant to War Department orders issued or purporting to have been issued under section 40b or section 55c, respectively, of said National Defense Act of June 3, 1916, as amended by the Act of June 4, 1920, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of promotion of such retired officers on the retired list, within the meaning of the aforesaid Act of June 3, 1916, as amended by the Act of June 4, 1920, and the aforesaid Act of June 10, 1922. (March 3, 1925, c. 411, § 4, 43 Stat. 1100.)

See note to § 1881d(3), ante.

§ 1881d(7). Same; administrative action validated—Any administrative action heretofore taken by the War Department dependent for validity upon the above-mentioned constructions of the indicated statutes, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and that any pay otherwise due to any retired officers of the Regular Army or the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable. (March 3, 1925, c. 411, § 5, 43 Stat. 1100)

See note to § 1881d(3), ante

§ 1881dd. Uniforms, etc., issued to Reserve Officers' Training Corps—Uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: Provided further That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made. * * (June 30, 1922, c 253, title I, 42 Stat. 719. March 2, 1923, c. 178, title I 42 Stat 1382. June 7, 1924, c. 291, title I, 43 Stat. 508. Feb 12, 1925, c. 225, title I, 43 Stat. 923)

From the War Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts.

§ 1881e. [Stricken by amendment.]

See note to § 1881d, ante

§ 1881f. [Stricken by amendment]

This section, Act June 3, 1916, c 134, § 42, 39 Stat 191, as amended by Act July 9, 1918, c. 143, subchapter XVII, § 7, 40 Stat 891, was stricken by amendment (see note to § 1881d, ante) It read as follows

"The President may, upon the application of any established educational institution in the United States other than a State institution described in section forty of this Act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: Provided, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students Provided further, That upon the recommendation of the professor of military science and tactics of any such institution, the authorities thereof may discharge a member of the Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as a prerequisite to graduation"

§ 1881g. [Stricken by amendment.]

See note to § 1881d, ante.

§ 1881i. [Stricken by amendment.]

See note to § 1881d, ante.

§ 1881j. [Stricken by amendment.]

See note to § 1881d, ante.

§ 1881k. Supplies for Reserve Officers' Training Corps—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, transportation, arms, ammunition, supplies, tentage, equipment, and uniforms belonging to the United States as he may deem necessary, and to forage at the expense of the United States public animals so issued, to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War, and to authorize such expenditures from proper Army appropriations as he may deem necessary for the efficient maintenance of the Reserve Officers' Training Corps. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, except for uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction, and for

its return when required (June 3, 1916, c. 134, § 47, 39 Stat 192, amended, June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 777)

This section, and sections 48, 49, 50, 51, 52, 53 and 54 of Act June 3, 1916, c 134, were amended by Act June 4, 1920, c 227, subchapter I, § 34, cited above by striking out the original sections and inserting in lieu thereof the section as set forth above, and four new sections, designated as sections 47a, 47b, 47c and 47d See post, §§ 1881l, 1881m, 1881n, 3071b

For these sections prior to this amendment, see U S. Comp St 1918, §§ 1881k-1881n, 1881o-1881q, 1920e 3071b

See the later provision for commutation for uniforms in § 1881kk, post

§ 1881kk. Commutation for uniforms—The Secretary of War may, in his discretion and under such regulations as he may prescribe, permit such institutions to furnish their own uniforms and receive as commutation therefor the sum allotted by the Secretary of War to such institutions for uniforms (June 5, 1920, c. 240, 41 Stat. 967)

This section is a provision of the Army appropriation act for the fiscal year 1921, cited above It supersedes a provision of Act May 12, 1917, c 12, 41 Stat 71. See, also, the provision for commutation of uniforms in § 1881k, ante

§ 1881l. Reserve Officers' Training Corps Camps—The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a longer period than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit, to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit, or in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and to admission to military hospitals at such camps, and to furnish medical attendance and supplies; to use the troops of the Regular Army, and such Government property as he may deem necessary, for the military training of the members of such corps while in attendance at such camps; and to prescribe regulations for the government of such camps. (June 3, 1916, c. 134, § 47 [47a], added, June 4, 1920, c. 227, subchapter I, § 34, 41 Stat 778)

See note to § 1881k, ante.

The Army appropriation act for the fiscal year 1921, Act June 5, 1920, c. 240, 41 Stat 966, also amended Act June 3, 1916, c 134, § 48, as follows.

"That so much of section 48 of the Act of June 3, 1916, entitled 'An Act for making further and more effectual provisions for the national defense, and for other purposes,' as relates to the transportation of members of the Reserve Officers' Training Corps attending summer camps be, and the same is hereby amended so as to provide that such members of the Reserve Officers' Training Corps shall be paid as traveling allowances 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto Provided further, That the payment of travel pay for the return journey may be made in advance of the actual performance of travel"

The War Department appropriation act for the year 1926, Act Feb. 12, 1925, c. 225, title I, 43 Stat 922, contains the following "* * * for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel, for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army * * *"

§ 1881m. Appointment of graduates of Reserve Officers' Training Corps as reserve officers—The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer of the Army of the United States any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section 47a of this Act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section 47a of this Act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army of the United States during a period of at least five years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority: Provided, That no reserve officer appointed pursuant to this Act shall be entitled to retirement, or to retired pay, and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Army pursuant to provisions of this Act. (June 3, 1916, c 134, § 47 [47b], added, June 4, 1920, c 227, subchapter I, § 34, 41 Stat. 778)

See note to § 1881k, ante

§ 1881n. Pay and commutation of subsistence, Reserve Officers' Training Corps—When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for advanced training by the president of the institution and by the professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished at the expense of the United States commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years: Provided, That any medical, dental, or veterinary student may be admitted to a Medical, Dental, or Veterinary Corps unit of the Reserve Officers' Training Corps for a course of training at the rate of ninety hours of instruction per annum for the four collegiate years, and if at the end of two years of such training he has been selected by the professor of military science and tactics and the head of the institution for advanced training, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years. Provided further, That any reserve officer who is also a medical, dental, or veterinary student may be admitted to such Medical, Dental, or Veterinary Corps unit for such training, under such rules and regulations as the Secretary of War may prescribe: Provided further, That members of the Reserve Officers' Training Corps, or other

persons authorized by the Secretary of War to attend advanced course camps, shall be paid for attendance at such camps at the rate prescribed for soldiers of the seventh grade of the Regular Army. (June 3, 1916, c. 134, § 47 [47c], added, June 4, 1920, c. 227, subchapter I, § 34, 41 Stat. 778.)

See note to § 1881k, ante

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat 923, contains the following· "* * for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920, for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps injured in line of duty while at camps of instruction under the provisions of section 47a and section 47d of the National Defense Act approved June 3, 1916, as amended, and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in section 4 of the Act approved June 3, 1924 * *"

§ 1881o. [Stricken by amendment]

This section, Act June 3, 1916, c 134, § 51, 39 Stat. 193, as amended by Act July 9, 1918, c. 143, subchapter XVII, § 8, 40 Stat 891, was stricken by amendment (see note to § 1881k, ante). It read as follows.

"Any physically fit male citizen of the United States, between the ages of twenty-one and twenty-seven years, who shall have graduated prior to June first, nineteen hundred and nineteen from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this Act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this act"

§ 1881p. [Stricken by amendment]

See note to § 1881k, ante.

§ 1881q. [Stricken by amendment.]

See note to § 1881k, ante.

§ 1881r. Certain organizations continued—The several organizations of the Army, to wit: The Chemical Warfare Service, the Air Service, the Construction Division, the Tank Corps, and the Motor Transport Corps, with their powers and duties as defined in orders and regulations in force and effect on November 11, 1918, shall be continued to and until June 30, 1920. (July 11, 1919, c. 8, 41 Stat. 129)

From the Army appropriation act for the year 1920, cited above.

ENLISTMENT AND DISCHARGE OF ENLISTED MEN; ARMY RESERVE

§ 1882a. Strength of enlisted force of Regular Army—Except in time of war or similar emergency when the public safety demands it, the number of enlisted men of the Regular Army shall not exceed two hundred and eighty thousand, including the Philippine Scouts. (June 3, 1916, c 134, § 2. 39 Stat. 166, amended, June 4, 1920, c. 227, subchapter I. § 2, 41 Stat. 759)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 2, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above, and ante, § 1717a

For this section prior to this amendment see U S Comp. St 1918, § 1882a. See, also, post, §§ 1882aa, 1882aaa.

§ 1882aa. Strength of enlisted force of Regular Army—That the Secretary of War be, and he hereby is, directed and instructed to cease enlisting men in the Regular Army of the United States until the number of enlisted men shall not exceed one hundred and seventy-five thousand: Provided, however, That nothing contained herein shall be held to prohibit the reenlistment of those enlisted men who have had one or more enlistments and who desire to reenlist in the Regular Army. (Feb. 7, 1921, c. 40, 41 Stat. 1098)

This is a resolution entitled a "Joint Resolution Directing the Secretary of War to cease enlisting men in the Regular Army of the United States, except in the case of those men who have already served one or more enlistments therein," cited above Became a law without the approval of the President by lapse of time. See, ante, § 1882a, and post, § 1882aaa

The War Department appropriation act for the year 1922, Act June 30, 1922, c 253, title I, 42 Stat. 725, contains the following provision "The Army shall be reduced by the Secretary of War so that the sum herein appropriated shall defray the entire cost of the pay of the officers and enlisted men of the line and staff during the fiscal year ending June 30, 1923."

§ 1882aa(1). Flying cadets; number—Nothing contained in Public Resolution Numbered 59 of the Sixty-sixth Congress shall be held to prohibit the enlistment of flying cadets to the number of five hundred. (June 30, 1922, c. 253, title I, 42 Stat. 724)

From the War Department appropriation act for the year 1923, cited above The same provision is contained in prior acts, but not in subsequent appropriation acts.

§ 1882aaa. Total of enlisted strength—The total authorized number of enlisted men, not including the Philippine Scouts, shall be one hundred and twenty-five thousand. (June 30, 1922, c. 253, title I, 42 Stat 724. June 7, 1924, c. 291, title I, 43 Stat 481. Feb 12, 1925. c. 225, title I, 43 Stat 896)

From the War Department appropriation act for the year 1926 cited above. The same provision is contained in prior acts

§ 1882c. [Stricken by amendment.]

See ante, §§ 1717a, 1882a.

§ 1885a. [Amended]

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 27 Said amendment does not affect this section. See post, § 1891a, and notes thereunder.

§ 1885aa. Enlistment of minors—Pay of enlisted men. * * No part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of twenty-one years without the written consent of the parents or guardians, if any, of such boys, or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be twenty-one years of age. (March 2, 1923, c. 178, title I, 42 Stat. 1384.)

From the War Department appropriation act for the fiscal year 1924, cited above

§ 1887a. [Repealed in part, and stricken by amendment.]

This section was amended by Act June 4, 1920, c 227, subchapter I, § 27, by striking out the section. See post, § 1891a, and notes thereunder.

So much of this section (a provision of Act June 3, 1916, c. 134, § 27), as authorized the payment to postmasters of $5 for each recruit secured by them and accepted by the Army, Navy, and Marine Corps, was repealed by Act July 2, 1918, c. 117, § 11, 40 Stat 754.

§ 1888. [Repealed in part]

This section (Act Aug 1, 1894, c. 179, § 2, 28 Stat. 216), is repealed in part by Act June 14, 1920, c. 286, 41 Stat 1077, as follows "That so much of the Act of Congress entitled 'An Act to regulate enlistments in the Army of the United States,' approved August 1, 1894, as provides that 'in time of peace no person (except an Indian) who can not speak, read, and write the English language' be, and the same is hereby repealed"

§ 1891. [Stricken by amendment.]

This section (Act June 3, 1916, c 134, § 34, 39 Stat 188), was amended by Act June 4, 1920, c 227, subchapter I, § 31, 41 Stat 775, by striking out the section

§ 1891a. Enlistments; reenlistment—Hereafter original enlistments in the Regular Army shall be for a period of one or three years at the option of the soldier, and reenlistments shall be for a period of three years: Provided [further], That any non-commissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and

grade held by him at the time of his discharge if he reenlists within twenty days after the date of such discharge (June 3, 1916, c 134, § 27, 39 Stat 185, amended, June 4, 1920, c 227, subchapter I, § 27, 41 Stat. 775.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 27, cited above, by striking from the original section all up to and including the third proviso, and also the proviso relating to the utilization of the services of postmasters as recruiting agents (ante, § 1887a), and inserting in lieu thereof the section as set forth above, down to the proviso and post, § 2145a.

For this section prior to this amendment, see U S. Comp. St 1918, §§ 1885a, 1887a 1891a, 1988a

§ 1891aa. Enlisted men; grades; base pay; per centum in grades; computation of temporary increase in pay; temporary allowance of rations and transportation privileges; ratings as specialists; extra pay—On and after July 1, 1920, the grades of enlisted men shall be such as the President may from time to time direct, with monthly base pay at the rate of $74 for the first grade, $53 for the second grade, $45 for the third grade, $45 for the fourth grade, $37 for the fifth grade, $35 for the sixth grade, and $30 for the seventh grade. Of the total authorized number of enlisted men, those in the first grade shall not exceed 0 79 per centum, those in the second grade 2 1 per centum, those in the third grade 3.4 per centum, those in the fourth grade 9 2 per centum, those in the fifth grade 9 5 per centum, those in the sixth grade 25 per centum. The temporary increase of pay for enlisted men of the Army authorized by section 4 of the Act of Congress approved May 18, 1920, shall be computed upon the base pay provided for in this section, and shall apply only to enlisted men of the first five grades. The temporary allowance of rations authorized by section 5, and the transportation privileges authorized by section 12, of the said Act, shall apply only to enlisted men of the first three grades.

Under such regulations as the Secretary of War may prescribe, enlisted men of the sixth and seventh grades may be rated as specialists, and receive extra pay therefor per month, as follows: First class, $25; second class, $20; third class, $15; fourth class, $12, fifth class, $8; sixth class, $3 Of the total authorized number of enlisted men in the sixth and seventh grades, those rated as specialists of the first class shall not exceed 0 7 per centum; of the second class, 1 4 per centum; of the third class, 1 9 per centum, of the fourth class, 4.7 per centum; of the fifth class, 5 per centum; of the sixth class, 15 2 per centum

Nothing in this section shall operate to reduce the pay which any enlisted man is now receiving, during his current enlistment and while he holds his present grade, nor to change the present rate of pay of any enlisted men now on the retired list. (June 3, 1916, c. 134, § 4[4b], added, June 4, 1920, c 227, subchapter I, § 4, 41 Stat. 761. and amended, June 6, 1924, c. 275, § 1, 43 Stat. 470)

This section was added to Act June 3, 1916, c. 134, as § 4 [4b] by Act June 4, 1920, c 227, subchapter I, § 4, cited above (see note to § 1717b, ante). It was amended by Act June 6, 1924, c 275, § 1, also cited above, by changing the authorized number of enlisted men in the first grade from 0 6 per centum to 0 79 per centum, in the second grade from 1 8 per centum to 2.1 per centum, in the third grade from 2 per centum to 3 4 per centum, and in the fourth grade from 9.5 per centum to 9.2 per centum This section is superseded as to pay rates by § 2089a(9), post

All payments heretofore made in good faith to enlisted men while in active service by reason of anything contained in that portion of this section reading "That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade," are validated for all purposes, irrespective of whether such payments conform to decisions of the Comptroller of the Treasury or the General Accounting Office, and such payments shall be passed by the proper accounting officers of the United States to the credit of the disbursing officers making the same, and any sums of money which may have been deducted from the pay of any enlisted man on account of any such validated payment shall be refunded by Act Sept. 22, 1922, c 405, 42 Stat 1018

§ 1891bb. Enlistments in Regular Army; repeal; term of service; pay; discharge—So much of sections seven and fourteen of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, as impose restrictions upon enlistments in the Regular Army, are hereby repealed in so far as they apply to enlistments and reenlistments in the Regular Army after the date of approval of this Act Provided, That from and after the approval of this Act, one-third of the enlistments in the Regular Army of the United States shall be for a period of one year, and the remaining two-thirds thereof shall be for the period of three years Any person enlisting under the provisions of this Act shall not be required to serve with the reserves The pay of the men enlisted hereunder shall be the same as that provided by the Act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917 Provided further, That after the expiration of one year those enlisting for the period of three years may be discharged in the discretion of the Secretary of War under such rules and regulations as may be prescribed by him after one year of service. (Feb 28, 1919, c 79, 40 Stat 1211)

This section is an act entitled "An act to authorize the resumption of voluntary enlistment in the Regular Army, and for other purposes," cited above

For Act May 18, 1917, c 15, § 7, referred to in this section, see U S Comp St 1918, § 2044g Section 14 of said act, also referred to in this section, suspends all laws and parts of laws in conflict with the provisions of the act during the emergency.

§ 1891bbb. Discharge of enlisted men for reenlistment—The Secretary of War is authorized to discharge any or all of these men enlisted prior to April 2, 1917, who desire discharge from their old enlistment for the purpose of so reenlisting, regardless of whether or not the period of their original contract or enlistment has been completed. (Sept 29, 1919, c 70, 41 Stat. 291)

This section is a part of a resolution entitled a "Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917," cited above.

§ 1891bbbb. Discharge of enlisted men under age of 21—Hereafter upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of War within six months after the date of his enlistment, any man enlisted after July 1, 1925, in the Army under twenty-one years of age who has enlisted without the written consent of his parent or guardian, if any, shall be discharged with the form of discharge certificate and the travel and other allowances to which his service after enlistment shall entitle him. (Feb. 12, 1925, c 225, title I, 43 Stat. 896.)

From the War Department appropriation act for the year 1926, cited above Prior appropriation acts contain similar provisions

§ 1891bbbbb. Discharge of enlisted men serving in continental United States— * * The Secretary of War is directed under such reasonable regulations as he may prescribe to grant applications for discharge of enlisted men serving in the continental United States without regard to the provisions of existing law respecting discharges until the number in the Army has been reduced to 150,000 enlisted men, not including the Philippine Scouts. The provisions of this paragraph shall take effect immediately upon the approval of this Act. (June 30, 1921, c. 33, § 1, 42 Stat. 74)

From the Army appropriation act for the year 1922, cited above.

§§ 1891c-1891dd.
Continuous service pay laws repealed See post, § 2145.

§ 1892.
Continuous service pay laws repealed See post, § 2145.

§ 1892a. Regular Army Reserve abolished—The Regular Army Reserve is hereby abolished, and all members thereof shall be discharged from the obligations under which they are now serving (June 3, 1916, c 134, § 30, 39 Stat. 187, amended, June 4, 1920, c. 227, subchapter I, § 30, 41 Stat. 775.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 30, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above
For this section prior to this amendment, see U. S. Comp St. 1918, § 1892a.

§ 1892b. [Stricken by amendment.]

This section, Act June 3, 1916, c 134, § 31, 39 Stat 187, as amended by Act July 9, 1918 c 143, subchapter XVII, § 6, 40 Stat 890, was amended by Act June 4, 1920, c 227, subchapter I, § 31, 41 Stat 775, by striking out the section See U. S. Comp St 1918, § 1892b

§ 1892c. [Stricken by amendment.]

This section (Act June 3, 1916, c 134, § 32, 39 Stat 188), was amended by Act June 4, 1920, c 227, subchapter I, § 31, 41 Stat 775, by striking out the section See U. S Comp. St 1918, § 1892c

§ 1892d. [Stricken by amendment]

This section (Act June 3, 1916, c 134, § 32, 39 Stat 188), was amended by Act June 4, 1920, c 227, subchapter I § 31, 41 Stat 775, by striking out the section See U S Comp St 1918, § 1892d

§ 1892e. The Enlisted Reserve Corps; period of enlistment; discharge—The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one year periods and who, in time of peace, shall be entitled to discharge within ninety days if they make application therefor. Enlistments shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President. (June 3, 1916, c. 134, § 55, 39 Stat. 195, amended, July 9, 1918, c. 143, subchapter XVII, § 9, 40 Stat. 891, and June 4, 1920, c. 227, subchapter I, § 35, 41 Stat 780.)

This section, and § 56 of Act June 3, 1916, c 134, were amended by Act June 4, 1920, c 227, subchapter I, § 35, cited above, by striking out the original sections and inserting in lieu thereof the section as set forth above, and by adding three sections, designated as sections 55a, 55b, and 55c. See post, §§ 1892e(1), 1892e(2), 2289a. As amended by Act July 9, 1918, c. 143, subchapter XVII, § 9, 40 Stat. 891, this section read as follows.

"For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the first day of July, nineteen hundred and sixteen.

"There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of eighteen and forty-five years The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both

"The President is authorized to assign members of the enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for

"To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed fifteen days in any one calendar year· Provided, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

"Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service and from the date of their departure to place where ordered, transportation and reimbursement of cost of subsistence at such rate as may be fixed by the Secretary of War during travel from home to place where ordered and return home and subsistence in kind during period not in transit and while in service. Provided, That said enlisted men shall not be entitled to retirement or retirement pay Provided further, That when any enlisted man of the Enlisted Reserve Corps shall be ordered to active service for purposes of instruction or training he may be paid at any time after the date such order shall become effective for the period from the date of leaving home to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same

"The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: Provided, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: Provided further, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof: Provided further, That when enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

"Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States

"The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps Provided, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any

other penalty to which he may be subject, forfeit his certificate of enlistment.

"In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army Provided, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army And provided further, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States"

For these sections prior to this amendment, see U. S Comp St 1918, § 2289a

§ 1892e(1). Organization of the Enlisted Reserve Corps—The President may form any or all members of the Enlisted Reserve Corps into tactical organizations similar to those of the Regular Army, similarly armed, uniformed, and equipped, and composed so far as practicable of men residing in the same locality, may officer them by the assignment of reserve officers or officers of the Regular Army, active or retired, and may detail such personnel of the Army as may be necessary for the administration of such organizations and the care of Government property issued to them. (June 3, 1916, c 134, § 55 [55a], added, June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

See note to § 1892e, ante.

§ 1892e(2). Reservists on active duty—Members of the Enlisted Reserve Corps may be placed on active duty, as individuals or organizations, in the discretion of the President, but except in time of a national emergency expressly declared by Congress no reservist shall be ordered to active duty in excess of the number permissible under appropriations made for this specific purpose, nor for a longer period than fifteen days in any one calendar year without his own consent. While on active duty they shall receive the same pay and allowances as other enlisted men of like grades and length of service. (June 3, 1916, c. 134, § 55 [55b], added, June 4, 1920, c. 227, subchapter I, § 35, 41 Stat. 780.)

See note to § 1892e, ante.

§ 1894. Discharge on account of dependent relatives—When by reason of death or disability of a member of the family of an enlisted man, occurring after his enlistment, members of his family become dependent upon him for care or support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States (June 3, 1916, c. 134, § 29, 39 Stat. 187, amended, June 4, 1920, c. 227, subchapter I, § 29, 41 Stat. 775.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 29, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U. S. Comp. St 1918, § 1894.

PROMOTION, DETAILS TO STAFF, AND APPOINTMENTS FROM ENLISTED FORCE AND FROM CIVIL LIFE, RANK AND PRECEDENCE: MEDALS OF HONOR; CERTIFICATES OF MERIT; MILITARY BADGES; PROTECTION OF THE UNIFORM

§ 1895a. Promotions to grades below brigadier general limited—Prior to January 1, 1923, there shall be no promotions to grades below brigadier general of officers of the Regular Army except of officers of the Medical Department and Chaplains, and vacancies now existing in any grade below brigadier general not actually filled by the acceptance of an appointment tendered prior to the date of approval of this Act shall not be filled, and beginning January 1, 1923, there shall be no promotions or appointments to any grade or to the branches of the Medical Department or Chaplains that would cause the numbers herein authorized for such grade or branch to be exceeded, except that the colonels, exclusive of those in the Medical Department and professors, remaining on the active list on January 1, 1923, and not included in the four hundred and twenty junior colonels on that date shall be carried as additional numbers so long as they remain in that grade and shall not prevent promotions due to vacancies occurring among the four hundred and twenty authorized colonels * * * (June 30, 1922, c 253, title I, 42 Stat. 722.)

From the War Department appropriation act for the year 1923, cited above

§ 1897a. [Stricken by amendment.]

See note to § 1920a, post.

§ 1897b. Promotion list; arrangement of names on; formation of original list—For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list, on which shall be carried the names of all officers of the Regular Army and Philippine Scouts below the grade of colonel, except officers of the Medical Department, chaplains, professors, the military storekeeper and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on. In computations for the purpose of determining the position of officers on the promotion list there shall be credited all active commissioned service in the Army performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission; also commissioned service in the National Guard while in active service since April 6, 1917, under a call by the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President. In determining position on the promotion list, and relative rank, commissioned service in the Regular Army or the Philippine Scouts, if continuous to the present time, shall be counted as having begun on the date of original commission. The original promotion list shall be formed by a board of officers appointed by the Secretary of War, consisting of one colonel of each of six branches of the service in which officers are permanently commissioned under the terms of this Act, and one officer who, as a member of the personnel branch of the General Staff, has made a special study of merging the present promotion lists into a single list. The steps in the formation of the original promotion list shall be as follows:

First, officers below the grade of colonel in the Corps of Engineers, Signal Corps, Infantry, Cavalry, Field Artillery, Coast Artillery Corps, Porto Rico Regiment, and Philippine Scouts, who were originally appointed in the Regular Army or Philippine Scouts prior to April 6, 1917, shall be arranged without changing the present order of officers on the lineal lists of their own branches, but otherwise as nearly

as practicable according to length of commissioned service The following shall be omitted:

(a) Officers who, as a result of voluntary transfer, occupy positions on the lineal list other than those they would have held if their original commissions had been in their present branches

(b) Officers of other branches appointed in the Field Artillery or the Coast Artillery Corps to fill vacancies created by the Act approved January 25, 1907,

(c) Officers appointed in the Regular Army since January 1, 1903, while serving as officers of the Porto Rico Provisional Regiment of Infantry or Philippine Scouts;

(d) Former officers of the Regular Army or Philippine Scouts who have been reappointed in these forces and who are now below normally placed officers of less commissioned service than theirs

Officers of classes (a), (b), and (c) shall be placed on the list in the positions they would have occupied if they had remained in their original branches of the service. Officers of class (d) shall be placed on the list in the position that would normally be occupied by an officer of continuous service equal to the total active commissioned service of such officers in the Army

Second, officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department shall be placed on the list according to length of commissioned service, except those second lieutenants of the Quartermaster Corps who are found not qualified for promotion as provided in section 24b hereof

Third, captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

Fourth, persons to be appointed as captains or lieutenants under the provisions of section 24, hereof, shall be placed according to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause, and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this Act, and the latter shall be arranged according to age.

Fifth, persons appointed as lieutenant colonels or majors under the provisions of section 24 hereof, shall be placed immediately below all officers of the Regular Army who, on July 1, 1920, are promoted to those grades respectively under the provisions of section 24 hereof: Provided, That the board charged with the preparation of the promotion list may in its discretion, assign to any such officer a position on the list higher than that to which he would otherwise be entitled, but not such as to place him above any officer of greater age, whose commissioned service commenced prior to April 6, 1917, and who would precede him on the list under the general provisions of this section.

Any former officer of the Regular Army and any retired officer who may hereafter be appointed to the active list in the manner provided by law shall be placed on the promotion list in accordance with his total active commissioned service; except that former officers appointed to field grades on July 1, 1920, under the provisions of section 24, may be placed as provided in the next preceding paragraph of this section. A reserve judge advocate appointed in the Regular Army shall be placed as provided in section 24c

Other officers on original appointment shall be placed at the foot of the list. The place of any officer on the promotion list once established shall not thereafter be changed except as the result of the sentence of a court-martial. (June 3, 1916, c 134, § 24 [24a], amended June 4, 1920, c. 227, subchapter I, § 24, 41 Stat 771)

See note to § 1920a, post.

§ 1897c. Promotion of officers; examination laws repealed; exceptions—Up to and including June 30, 1920, except as otherwise provided herein, promotions shall continue to be made in accordance with law existing prior to the passage of this Act, and on the basis of the number heretofore authorized for each grade and branch On and after July 1, 1920, vacancies in grades below that of brigadier general shall be filled by the promotion of officers in the order in which they stand on the promotion list, without regard to the branches in which they are commissioned. Existing laws providing for the examination of officers for promotion are hereby repealed, except those relating to physical examination, which shall continue to be required for promotion to all grades below that of brigadier general, and except also those governing the examination of officers of the Medical, Dental, and Veterinary Corps. Officers of said three Corps shall be examined in accordance with laws governing examination of officers of the Medical Corps, second lieutenants of the Veterinary Corps being subject to the same provisions as first lieutenants (June 3, 1916, c 134, § 24 [24c], amended, June 4, 1920, c 227, subchapter I, § 24, 41 Stat. 774)

See note to § 1920a, post

§ 1897d. Promotions to grade of captain—So long as there shall remain in the grade of first lieutenant any officer discharged in the grade of captain and recommissioned in the grade of first lieutenant in accordance with the provisions of the Act of June 30, 1922, as amended by the Act of September 14, 1922, who was appointed in the grade of captain in the Regular Army under the provisions of section 24 of the Act of June 4, 1920 (Public Numbered 242, Sixty-sixth Congress), promotions of officers on the Promotion List to the grade of captain shall be made solely from such officers. * * (March 2, 1923, c. 178, title I, 42 Stat 1384)

From the War Department appropriation act for the year 1924, cited above This provision is preceded by the following "Finance Department Pay, and so Forth, of the Army Pay of officers. For pay of officers of the line and staff, $31,214,358 Provided, That no part of the money herein appropriated shall be used for the pay and allowance of officers on the 'Promotion List' who shall be promoted to the grade of captain after the passage of this Act, unless said promotion shall have been made in the following manner, which is hereby established as the method of promotion to the grade of captain of officers on said Promotion List, to wit"

§ 1897e. Posthumous commissions to certain officers qualified for promotion—That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any officer of the Army of the United States who, after having been examined and found duly qualified for promotion, died or shall die, in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death. (March 3, 1925, c. 484, § 3, 43 Stat. 1255.)

This section is section 3 of a resolution entitled a "Joint Resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers," cited above. Sections 1 and 2 of said resolution are set forth

ante, as §§ 1717c(1), 1717c(2) Section 4 of said resolution provides that no person shall be entitled to recover any bonus, gratuity, pay or allowance by virtue of any provision of the resolution, and is set forth ante, as § 1717c(3).

§ 1899aa. Detail, rating, or assignment of officer not to carry advanced rank—Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein. (June 3, 1916, c 134, § 127a, added, June 4, 1920, c 227, subchapter I, § 51, 41 Stat 785)

This section, and §§ 1717b(1), 1839a, 1860a(2), ante, and §§ 1913a, 1913aa, 1913aaa, 1913b 1914a 1920a(2), 1920a(3), 1921a, 1921a(1), 1989a, 2075, 2080a, 2088a (note), post, were added to Act June 3, 1916, c 134, by Act June 4, 1920, c 227, subchapter I, § 51, cited above, as section 127a thereof
This section is designated as "Miscellaneous Provisions"

§ 1899b. [Stricken by amendment.]
See note to § 1997a, post

§ 1899c. [Stricken by amendment.]
See note to § 1997a post.

§ 1908a. [Stricken by amendment.]

This section (Act June 3, 1916, c 134, § 114, 39 Stat 211), was amended by Act June 4, 1920, c. 227, subchapter I, § 50, 41 Stat 785, by striking out the sections

§ 1913a. Temporary retention of emergency officers—The President is authorized to retain temporarily in service, under their present commissions, such emergency officers as he may deem necessary, but the total number so remaining in service, other than those undergoing treatment for physical reconstruction, shall not at any time exceed the total number of vacancies then existing in the Regular Army. Any such officer may be discharged when his services are no longer required, and all such officers shall be discharged not later than December 31, 1920. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat 786)

See note to § 1899aa, ante

§ 1913aa. Discharge of emergency officers—All officers of the Regular Army holding commissions granted for the period of the existing emergency, in whatever grade, shall be discharged therefrom not later than June 30, 1920. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786.)

See note to § 1899aa, ante

§ 1913aaa. Retention of disabled emergency officers—The President is authorized and directed to retain in service disabled emergency officers until their treatment for physical reconstruction has reached a point where they will not be further benefited by retention in a military hospital or in the military service. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786.)

See note to § 1899aa, ante

§ 1913b. Detail of officers as students at educational institutions, etc.—The Secretary of War is hereby authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals and other places, as shall be best suited to enable such officers to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: Provided, That no expense shall be incurred by the United States in addition to the pay and allowances of the officers so detailed, except for the cost of tuition at such technical, professional, and other educational institutions. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c 227, subchapter I, § 51, 41 Stat. 786.)

See note to § 1899aa, ante
For current appropriation for payment of tuition fees of student officers at technical institutions, see Act Feb 12, 1925, c 225, title I, 43 Stat 910

§ 1914a. Commissions to cadets—Cadets graduated from the United States Military Academy during the present calendar year shall be commissioned as second lieutenants to date not earlier than July 2, 1920 (June 3, 1916, c 134, § 127a, added, June 4, 1920, c 227, subchapter I, § 51, 41 Stat. 786)

See note to § 1899aa, ante

§ 1919a. Enlisted men; commissions; admission to officers' schools—Soldiers, during the present emergency, regardless of age and existing law and regulations, shall be eligible to receive commissions in the Army of the United States They shall likewise be eligible to admission to officers' schools under such rules and regulations as may be adopted for entrance to such schools, but shall not be barred therefrom or discriminated against on account of age. (Aug 31, 1918, c 166, § 6, 40 Stat. 956)

This section is section 6 of an act entitled "An act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above

§ 1920a. Filling of vacancies; age limits; appointments in Judge Advocate General's Department; restrict pay of appointees over certain age; promotions to fill; board to select appointees; approval of appointments by chiefs of branches of service—Not less than one-half of the total number of vacancies caused by this Act, exclusive of those in the Medical Department and among chaplains, shall be filled by the appointment, to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army who served as officers of the United States Army at any time between April 6, 1917, and the date of the passage of this Act. A suitable number of such officers shall be appointed in each of the grades below that of brigadier general, according to their qualifications for such grade as may be determined by the board of general officers provided for in this section No such person above the age of fifty years shall be appointed in a combatant branch, or above the age of fifty-eight in a noncombatant branch. No such person below the age of forty-eight years shall be appointed in the grade of colonel, or below the age of forty-five years in the grade of lieutenant colonel, or below the age of thirty-six years in the grade of major. Not less than three such persons shall be appointed to the grade of colonel in the Judge Advocate General's Department, and not less than eight to the grade of lieutenant colonel in the Judge Advocate General's Department, provided a sufficient number of applicants for such appointments are legally eligible and are found by the board provided for in this section to be properly qualified Any person originally appointed under the provisions of this Act at an age greater than forty-five years shall, when retired, receive retired pay at the rate of 4 per centum of active pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per centum Vacancies remaining in grades above the lowest which are not filled by such appointments shall be filled by promotion to date from July 1, 1920, in accordance with the provisions of section 24c hereof. The selection of officers to be appointed under the provisions of this section, under such rules and regulations as may be approved by the Secretary of War, shall be made by a board consisting of the General of the Army, three bureau chiefs and three general officers of the line, to be appointed by the Secretary of War: Provided, That no officer shall be appointed

in any branch of the service under the provisions of this section except with the approval of the chief of such branch or officer acting as such (June 3, 1916, c 134, § 24, 39 Stat 182, amended, May 12, 1917, c. 12, 40 Stat 44, July 9, 1918, c. 143, subchapter XVII, § 3, 40 Stat 890, and June 4, 1920, c. 227, subchapter I, § 24, 41 Stat 771.)

This section was again amended by Act July 9, 1918, c 143, subchapter XVII, § 3, 40 Stat 890 to read as follows:

"Vacancies in the grade of second lieutenant, however arising, in any fiscal year shall be filled by appointment in the following order (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated, (2) under the provisions of existing law of enlisted men, including officers of Philippine Scouts, between the ages of twenty-one and thirty-four years, whose fitness for promotion shall have been determined by competitive examination, and of members, including officers, of the Organized Militia, the National Guard, or Naval Militia, between the ages of twenty-one and thirty-four years who have had at least ninety days' actual Federal military service during the calendar year nineteen hundred and sixteen, or subsequent thereto, and whose fitness for promotion shall have been determined by examination, (3) of commissioned officers of the National Guard, between the ages of twenty-one and twenty-seven years, not otherwise provided for herein, (4) of members of the Officers' Reserve Corps, between the ages of twenty-one and twenty-seven years, (5) of such honor graduates, between the ages of twenty-one and twenty-seven years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department, and (6) of candidates from civil life, between the ages of twenty-one and twenty-seven years, and the President is authorized to make the necessary rules and regulations to carry these provisions into effect Provided, That the President is hereby authorized to waive the maximum age limit prescribed by law for appointment as second lieutenant in the Regular Army in the case of any candidate for such appointment who has successfully completed or who may hereafter successfully complete the required examination for such appointment before arriving at the prescribed maximum age limit, but no appointment of any such candidate shall be made to any vacancy which did not exist upon the date he successfully completed the required examination for appointment, and persons appointed under the provisions of this proviso shall be appointed with the rank and date of rank with which they would have been appointed if their appointment had not been prevented by reason of the maximum age limit prescribed by law"

It was again amended by Act June 4, 1920, c 227, subchapter I, § 24, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

It was further amended by Act June 24, 1920, c 227, subchapter I, § 24, by adding five sections, designated as sections 24a, 24b, 24c, 24d, 24e See ante, §§ 1897b, 1897c, and post, §§ 1920a(1), 1991aaa, 2048a. See, also, post, §§ 2075, 2080a

For this section prior to this amendment, see U. S Comp St. 1918, §§ 1842b, 1897a, 1920aa, 1920c, 1920d, 1991b, 2075

§ 1920a(1). Appointment of officers; Judge Advocate General's Department; Medical and Dental Corps; Veterinary Corps; Medical Administrative Department; chaplains; reappointment to active list—Except as otherwise herein provided, appointments shall be made in the grade of second lieutenant, first, from graduates of the United States Military Academy, second, from warrant officers and enlisted men of the Regular Army between the ages of twenty-one and thirty years, who have had at least two years' service; and, third, from reserve officers, and from officers, warrant officers and enlisted men of the National Guard, members of the Enlisted Reserve Corps and graduates of technical institutions approved by the Secretary of War, all between the ages of twenty-one and thirty years. Any vacancy in the grade of captain in the Judge Advocate General's Department, not filled by transfer or detail from another branch, may, in the discretion of the President, be filled by appointment from reserve judge advocates between the ages of thirty and thirty-six years, and such appointee shall be placed upon the promotion list immediately below the junior captain on said list. Appointments in the Medical and Dental Corps shall be made in the grade of first lieutenant from reserve medical and dental officers, respectively, between the ages of twenty-three and thirty-two years; in the Veterinary Corps in the grade of second lieutenant from reserve veterinary officers between the ages of twenty-one and thirty years, and in the Medical Administrative Corps in the grade of second lieutenant from enlisted men of the Medical Department between the ages of twenty-one and thirty-two years who have had at least two years' service To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation. Appointments as chaplains shall be made from among persons duly accredited by some religious denomination or organization, and of good standing therein, between the ages of twenty-three and forty-five years. Former officers of the Regular Army and retired officers may be reappointed to the active list, if found competent for active duty, and shall be commissioned in the grades determined by the places assigned to them on the promotion list under the provisions of section 24a hereof. (June 3, 1916, c 134, § 24 [24c], amended, June 4, 1920, c 227, subchapter I, § 24, 41 Stat 774.)

See note to § 1920a, ante

§ 1920a(2.) Temporary appointments by President—Whenever, prior to December 31, 1920, any person shall be nominated to the Senate for appointment to fill any office in the Regular Army provided for by this Act, the President alone is authorized to appoint such person temporarily in the United States Army in the grade pertaining to such Regular Army office, to have rank and pay from the same dates as if such appointment were in the Regular Army. Such temporary appointment shall terminate upon acceptance, after confirmation, of the corresponding office in the Regular Army, or on March 4, 1921, if then still unconfirmed. If any officer of the Regular Army is retired while holding a temporary appointment made under the provisions of this paragraph, he shall have the rank of such temporary grade, and his retired pay shall be computed upon the pay of that grade (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786)

See note to § 1899aa, ante.

§ 1920a(3). Appointments to higher temporary rank in time of war—In time of war any officer of the Regular Army may be appointed to higher temporary rank without vacating his permanent commission, such appointments in grades below that of brigadier general being made by the President alone, but all other appointments of officers in time of war shall be in the Officers' Reserve Corps. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785.)

See note to § 1899aa, ante.

§ 1920aa. [Stricken by amendment.]

See note to § 1920a, ante.

§ 1920b. Provisional appointments—All laws providing that certain appointments of officers shall be provisional for a period of time are hereby repealed (June 3, 1916, c. 134, § 23, 39 Stat. 181, amended, July 9, 1918, c. 143, 40 Stat. 851, and June 4, 1920, c. 227, subchapter I, § 23, 41 Stat. 771)

This section was amended by Act July 9, 1918, c. 143, 40 Stat. 851, to read as follows:

"Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional

appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify

"Should any such officer during such provisional period of two years become incapable of performing the duties of his office by reason of physical incapacity resulting from an incident of service, he shall be retired from active service by the President upon the actual rank held by him at the time of retirement in the manner provided by law for the retirement of permanent officers of the Regular Army, and provisional officers retired under the provisions of this section shall be in addition to the number of the officers of the Army on the retired list now fixed by law"

It was again amended by Act June 4, 1920, c 227, subchapter I, § 23, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

§ 1920c. [Stricken by amendment]

See note to § 1920a, ante

§ 1920d. [Stricken by amendment]

See note to § 1920a, ante.

§ 1920e. [Stricken by amendment]

See note to § 1881k, ante.

§ 1921a. Rank and precedence; computation—Unless special assignment is made by the President under the provisions of the one hundred and nineteenth article of war, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active Federal service and service under the provisions of sections 94, 97, and 99 of this Act which he may have performed in the grade in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age (June 3, 1916, c 134, § 127a, added, June 4, 1920, c 227, subchapter I, § 51, 41 Stat. 785, and amended, Feb. 28, 1925, c. 371, § 5, 43 Stat. 1078)

This section was added to Act June 3, 1916 c 134, as § 127a, by Act June 4, 1920, c 227, subchapter I, § 51, 41 Stat. 785, cited above (see note to § 1899aa, ante) It was amended by Act Feb 28, 1925, c 371, § 5, also cited above, by inserting, after the words "by a period equal to the total length of active," the word "Federal," and by inserting, after word "service" following, the words "and service under the provisions of sections 94, 97, and 99 of this act," as above set forth

§ 1921a(1). Determination of relative rank, increase of pay, and right to retirement—In determining relative rank and increase of pay for length of service, and, in the case of officers of the Regular Army, in determining rights of retirement, active duty performed while under appointment from the United States Government, whether in the Regular, provisional, or temporary forces, shall be credited to the same extent as service under a Regular Army commission. (June 3, 1916, c 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785)

See note to § 1899aa, ante.

§ 1943a. Medals of honor; to whom presented—That the provisions of existing law relating to the award of medals of honor to officers, noncommissioned officers, and privates of the Army be, and they hereby are, amended so that the President is authorized to present, in the name of the Congress, a medal of honor only to each person who, while an officer or enlisted man of the Army, shall hereafter, in action involving actual conflict with an enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. (July 9, 1918, c. 143, 40 Stat. 870.)

This section and §§ 1943b-1943h, 1943i-1943m, post, are provisions of the Army appropriation act for the fiscal year 1919, cited above

§ 1943b. Distinguished-service crosses: to whom presented—That the President be, and he is hereby, further authorized to present, but not in the name of Congress, a distinguished-service cross of appropriate design and a ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Army of the United States since the sixth day of April, nineteen hundred and seventeen, has distinguished, or who shall hereafter distinguish, himself or herself by extraordinary heroism in connection with military operations against an armed enemy. (July 9, 1918, c 143, 40 Stat. 870)

See note to § 1943a

§ 1943c. Distinguished-service medals; to whom presented—That the President be, and he is hereby, further authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Army of the United States since the sixth day of April, nineteen hundred and seventeen, has distinguished, or who hereafter shall distinguish, himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility; and said distinguished-service medal shall also be issued to all enlisted men of the Army to whom the certificate of merit has been granted up to and including the date of the passage of this Act under the provisions of previously existing law, in lieu of such certificate of merit, and after the passage of this Act the award of the certificate of merit for distinguished service shall cease; and additional pay heretofore authorized by law for holders of the certificate of merit shall not be paid to them beyond the date of the award of the distinguished-service medal in lieu thereof as aforesaid (July 9, 1918, c. 143, 40 Stat. 870)

See note to § 1943a

§ 1943d. Additional pay to persons awarded medals or crosses—Each enlisted man of the Army to whom there has been or shall be awarded a medal of honor, a distinguished-service cross, or a distinguished-service medal shall, for each such award, be entitled to additional pay at the rate of $2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable device, in lieu of a medal of honor, a distinguished-service cross, or a distinguished-service medal, as hereinafter provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the distinguished act or service for which the bar is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous; but when the award is in lieu of the certificate of merit, as provided for in section three hereof, the additional pay shall begin with the date of the award. (July 9, 1918, c 143, 40 Stat. 871.)

See note to § 1943a

§ 1943e. Bars or stars for additional acts of valor or citations—No more than one medal of honor or one distinguished-service cross or one distinguished-service medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of a medal of honor or a distinguished-service cross or a distinguished-service medal, respectively, the President may award a suitable bar or other suitable device, to be worn as he shall direct. And for each citation of an officer

or enlisted man for gallantry in action, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter (July 9, 1918, c. 143, 40 Stat 871, amended, Jan 24, 1920, c. 55, § 1, 41 Stat. 398)

This section, prior to the amendment by Act Jan 24, 1920, read as follows

"No more than one medal of honor or one distinguished-service cross or one distinguished-service medal shall be issued to any one person, but for each succeeding deed or act sufficient to justify the award of a medal of honor or a distinguished-service cross or a distinguished-service medal, respectively, the President may award a suitable bar, or other suitable device, to be worn as he shall direct, and for each other citation of an officer or enlisted man for gallantry in action published in orders issued from the headquarters of a force commanded by a general officer he shall be entitled to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter"

Section 2 of Act Jan 24, 1920, repeals all inconsistent laws and parts of laws

§ 1943f. Expenditure for medals, crosses or other devices—That the Secretary of War be, and he is hereby, authorized to expend from the appropriations for contingent expenses of his department from time to time so much as may be necessary to defray the cost of the medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices hereinbefore provided for. (July 9, 1918, c. 143, 40 Stat 871.)

See note to § 1943a

§ 1943g. Replacing lost medals, crosses or other devices—Whenever a medal, cross, bar, ribbon, rosette, or other device presented under the provisions of this Act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was awarded, such medal, cross, bar, ribbon, rosette, or device shall be replaced without charge therefor. (July 9, 1918, c. 143, 40 Stat. 871.)

See note to § 1943a.

§ 1943h. Time limit on award of medals, crosses or other devices—Except as otherwise prescribed herein, no medals of honor, distinguished-service cross, distinguished-service medal, or bar or other suitable device in lieu of either of said medals or of said cross, shall be issued to any person after more than three years from the date of the act justifying the award thereof, nor unless a specific statement or report distinctly setting forth the distinguished service and suggesting or recommending official recognition thereof shall have been made at the time of the distinguished service or within two years thereafter, nor unless it shall appear from official records in the War Department that such person has so distinguished himself as to entitle him thereto; but in case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award may nevertheless be made and the medal or cross or the bar or other emblem or device presented, within three years from the date of the act justifying the award thereof, to such representative of the deceased as the President may designate; but no medal, cross, bar, or other device, hereinbefore authorized, shall be awarded or presented to any individual whose entire service subsequently to the time he distinguished himself shall not have been honorable; but in cases of officers and enlisted men now in the Army for whom the award of the medal of honor has been recommended in full compliance with then existing regulations but on account of services which, though insufficient fully to justify the award of the medal of honor, appear to have been such as to justify the award of the distinguished-service cross or distinguished-service medal hereinbefore provided for, such cases may be considered and acted upon under the provisions of this Act authorizing the award of the distinguished-service cross and distinguished-service medal, notwithstanding that said services may have been rendered more than three years before said cases shall have been considered as authorized by this Act, but all consideration of and action upon any of said cases shall be based exclusively upon official records now on file in the War Department; and in the cases of officers and enlisted men now in the Army who have been mentioned in orders, now a part of official records, for extraordinary heroism or especially meritorious services, such as to justify the award of the distinguished-service cross or the distinguished-service medal hereinbefore provided for, such cases may be considered and acted on under the provisions of this Act, notwithstanding that said act or services may have been rendered more than three years before said cases shall have been considered as authorized by this Act, but all consideration of and action upon any said cases shall be based exclusively upon official records of the War Department. (July 9, 1918, c. 143, 40 Stat 871.)

See note to § 1943a.

§ 1943hh. Time limit on award of medals, crosses or other devices extended—The eighth paragraph under the caption "Medals of Honor, Distinguished Service Crosses, and Distinguished Service Medals,' Army Appropriation Act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and crosses to persons, or the representatives of deceased persons who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of one year from and after the approval of this Act. (April 7, 1922, c 127, 42 Stat. 493)

This section is an act entitled "An act to extend the limitations of time upon the issuance of medals of honor, distinguished service crosses, and distinguished service medals to persons who served in the Army of the United States during the World War," cited above For the provision referred to in this section, see U. S. Comp St. 1918, § 1943h

§ 1943i. Award of medals or crosses by commanding generals—That the President be, and he is hereby, authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to the commanding general of a separate army or higher unit in the field, the power conferred upon him by this Act to award the medal of honor, the distinguished-service cross, and the distinguished-service medal; and he is further authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this Act and to execute the full purpose and intention thereof. (July 9, 1918, c. 143, 40 Stat. 872.)

See note to § 1943a.

§ 1943j. Wearing medals or decorations awarded by allied nations on entry into military service of United States—American citizens who have received, since August first, nineteen hundred and fourteen, decorations or medals for distinguished service in the armies or in connection with the field service of those nations engaged in war against the Imperial German Government, shall, on entering the military service of the United States, be permitted to wear such medals or decorations. (July 9, 1918, c. 143, 40 Stat. 872.)

See note to § 1943a.

§ 1943k. Decorations awarded by allied governments to members of military forces of United States—Any and all members of the military forces of the United States serving in the present war be, and they are hereby, permitted and authorized to accept during the present war or within one year thereafter, from the Government of any of the countries engaged in war with any country with which the United States is or shall be concurrently likewise engaged in war, such decorations, when tendered, as are conferred by such Government upon the members of its own military forces, and the consent of Congress required therefor by clause eight of section nine of Article I of the Constitution is hereby expressly granted Provided, That any officer or enlisted man of the military forces of the United States is hereby authorized to accept and wear any medal or decoration heretofore bestowed by the Government of any of the nations concurrently engaged with the United States in the present war. (July 9, 1918, c. 143, 40 Stat 872.)

See note to § 1943a.

§ 1943*l*. Award of medals and decorations to members of forces of allied nations—The President is authorized, under regulations to be prescribed by him, to confer such medals and decorations as may be authorized in the military service of the United States upon officers and enlisted men of the military forces of the countries concurrently engaged with the United States in the present war. (July 9, 1918, c. 143, 40 Stat. 872.)

See note to § 1943a

§ 1943m. Medals for members of National Guard serving in war with Spain or on Mexican border in 1916—That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device and ribbon, to be presented to each of the several officers and enlisted men, and families of such as may be dead, of the National Guard who, under the orders of the President of the United States, served not less than ninety days in the War with Spain, and who have received an honorable discharge from the service, and who served on the Mexican border in the years nineteen hundred and sixteen and nineteen hundred and seventeen and who are not eligible to receive the Mexican service badge heretofore authorized by the President· Provided, That such medals shall not be issued to men who have, subsequent to such service, been dishonorably discharged from the service or deserted: And provided further, That the sum of $7,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this last paragraph into effect. (July 9, 1918, c. 143, 40 Stat. 873)

See note to § 1943a.

§ 1943mm. Medals for members of National Guard serving in field under call for service on Mexican border—The Mexican border medal and ribbon issued to National Guard officers and enlisted men under the provisions of the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, shall be issued to National Guard officers and enlisted men who at the same time served as such in the field under the call of the National Guard to such Mexican border service but were stationed for service at points other than on the Mexican border. Provided further, That such medals shall not be issued to men who have subsequent to such service been dishonorably discharged from the service or deserted. (June 5, 1920, c. 240, 41 Stat. 973.)

From the Army appropriation act for the fiscal year 1921, cited above.

§ 1943mmm. Medals for members of Texas cavalry brigades—That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal of appropriate design, with a bar and ribbon, together with a rosette or other device to be worn in lieu thereof, to be presented to each of the several officers and enlisted men of the two brigades of cavalry organized by the State of Texas, under authority from the War Department of date of December 8, 1917 who served therein prior to November 11 1918· Provided, That such medals shall not be presented to men who have, subsequent to such service, been dishonorably discharged from the service, or deserted Provided further, That the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this last paragraph into effect· Provided further, That the several officers and enlisted men to whom such medals may be presented are hereby authorized to wear on occasions of ceremony, the uniform lawfully prescribed to be worn by them at the time of their service· Provided, This Act shall not be considered as conferring upon the members of said organizations the benefits of the War Risk Insurance Act or to confer a pensionable status to the members of said organizations, and that this Act shall not be deemed to constitute a precedent for the future granting of such rights. (April 16, 1924, c. 117, 43 Stat. 100)

This section is an act entitled "An act authorizing the issuance of service medals to officers and enlisted men of the two brigades of Texas cavalry organized under authority from the War Department under date of December 8, 1917, and authorizing an appropriation therefor, and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service," cited above

§ 1943n. Unlawful wearing, manufacture, or sale of Congressional medal of honor, etc.; punishment—Hereafter the wearing, manufacture, or sale of the congressional medal of honor, distinguished service cross, distinguished service medal, or any of the services medals or badges awarded by the War Department, or the ribbon, button, or rosette thereof of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited except when authorized under such regulations as the Secretary of War may prescribe.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (Feb. 24, 1923, c. 110, 42 Stat. 1286.)

This section is an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," cited above.

§ 1949a. Protection of the uniform—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: Provided, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war

have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof, nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps, nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps, nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps. Provided further, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: And provided further, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment: Provided, That hereafter, upon the discharge or furlough to the Reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use; and within four months after such termination of his active service he shall return all uniform clothing, which he was so permitted to retain for wear to his home, by mail, under a franked label which shall be furnished him for the purpose, and in conformity with the instructions given him at the time of such termination of his active service, and in case he shall fail to return the same within such period, and in accordance with such instructions, he shall be deemed guilty of a misdemeanor, and, upon conviction, suffer the punishment prescribed by this section: Provided further, That upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner prescribed by section sixty-seven of said Act And provided further, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of War, a suit of citizen's outer clothing to cost not exceeding $15 may be issued to such enlisted man. And provided further, That officers and members of the National Home for Disabled Volunteer Soldiers may, regardless of the preceding provisions of said Act, wear such uniforms as the Secretary of War may authorize. (June 3, 1916, c 134, § 125, 39 Stat. 216, amended, July 9, 1918, c. 143, subchapter XVII, § 10, 40 Stat 891.)

This section was amended by Act July 9, 1918, c 143, subchapter XVII, § 10, cited above by adding to the last paragraph thereof the matter beginning with the words "Provided, That hereafter," to the end thereof, as set forth above

§ 1949b. Uniform; retention and wearing on discharge—Any person who served in the United States Army, Navy, or Marine Corps in the present war may, upon honorable discharge and return to civil life, permanently retain one complete suit of outer uniform clothing, including the overcoat, and such articles of personal apparel and equipment as may be authorized, respectively, by the Secretary of War or the Secretary of the Navy, and may wear such uniform clothing after such discharge: Provided, That the uniform above referred to shall include some distinctive mark or insignia to be prescribed, respectively by the Secretary of War or the Secretary of the Navy, such mark or insignia to be issued, respectively, by the War Department or Navy Department to all enlisted personnel so discharged. The word "Navy" shall include the officers and enlisted personnel of the Coast Guard who have served with the Navy during the present war. (Feb. 28, 1919, c. 70, § 1, 40 Stat. 1202)

This section, and the section next following, are §§ 1 and 2 of an act entitled "An Act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," cited above Section 4 of said Act Feb 28, 1919, c. 70, repeals all inconsistent acts and parts of acts.

§ 1949c. Same; retention and wearing on discharge; persons to whom applicable—The provisions of this Act shall apply to all persons who served in the United States Army, Navy, or Marine Corps during the present war honorably discharged since April sixth, nineteen hundred and seventeen. And in cases where such clothing and uniforms have been restored to the Government on their discharge the same or similar clothing and uniform in kind and value as near as may be shall be returned and given to such soldiers, sailors, and marines. (Feb. 28, 1919, c. 70, § 2, 40 Stat. 1203.)

See note to § 1949b, ante.

§ 1949cc. Issue of uniforms to discharged enlisted men—That portion of the Act of February 28, 1919, relating to the issuance of uniforms to dis-

charged enlisted men is hereby repealed: Provided, That such uniforms shall be issued in accordance with the provisions of said Act to those enlisted men who served in the Army of the United States at any time between April 6, 1917, and January 1, 1920, whose applications therefor shall have been received at the War Department prior to June 1, 1921 (June 30, 1921, c 33, § 1, 42 Stat. 82.)

From the Army appropriation act for the year 1922, cited above

§ 1949d. Protection of the uniform—Section 125 of the Act entitled "An Act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, shall hereafter be in full force and effect as originally enacted, notwithstanding anything contained in the Act entitled "An Act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1918: Provided, That the words 'or the Secretary of the Navy" shall be inserted immediately after the words "the Secretary of War" wherever those words appear in section 125 of the Act approved June 3, 1916, hereinbefore referred to. (June 4, 1920, c. 228, § 8, 41 Stat. 836.)

This section is § 8 of the Naval appropriation act for the fiscal year 1921, cited above
For Act June 3, 1916, c 134, § 125, and the provisions of Act Feb 28, 1919, c. 70, referred to in this section, see ante §§ 1949a-1949c.

MILITARY SUPPLIES AND STORES; PUBLIC MONEYS AND OTHER PROPERTY; TRANSPORTATION

§ 1950a. General appropriations, Quartermaster Corps—All the money hereinbefore designated under the titles "Subsistence of the Army," "Regular supplies, Quartermaster Corps," "Incidental expenses, Quartermaster Corps," "Transportation of the Army and its supplies," "Water and sewers at military posts," "Clothing and camp and garrison equipage," shall be disbursed and accounted for as "General appropriations, Quartermaster Corps," and for that purpose shall constitute one fund. (June 5, 1920, c 240, 41 Stat. 962)

This section is a provision of the Army appropriation act for the fiscal year 1921, cited above. It has been repeated in prior acts Said act also contains this provision: "All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, warrant officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for as pay of the Army, and for that purpose shall constitute one fund." See, also, Act June 30, 1921, c. 33, § 1, 42 Stat. 76.

§ 1952aa. Moneys from disposition of materials supplied by Engineer Department—The provision of the Act of March twenty-third, nineteen hundred and ten, making moneys arising from the disposition of serviceable quartermaster material available for the purposes of the appropriation throughout the fiscal year following that in which the disposition was affected, is hereby extended to apply to material supplied to the Army by the Engineer Department. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

From the Army appropriation act for the year 1919, cited above. Act March 23, 1910, c 115, mentioned in this section, is U. S Comp. St. 1918, § 1952.

§ 1952b. Proceeds from operation of public utilities; reports—In case of actual or threatened hostilities, any proceeds received from the operation of a public utility, in connection with engineer operations in the field overseas, shall be available for the purpose of such utility until the close of the fiscal year following that in which the proceeds are received, and a detailed report of such proceeds and application thereof shall be rendered to Congress on forms conforming as far as practicable to those used by American Companies in reports to the Interstate Commerce Commission. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893)

From the Army appropriation act for the fiscal year 1919, cited above

§ 1952¼. Moneys from sale of ice, electric current and laundry work—All funds hereafter derived from the sale of ice or as receipts from the sale of electric current or laundry work under the appropriations of the Quartermaster Corps shall be deposited in the Treasury of the United States as miscellaneous receipts. (Nov 4, 1918, c 201, § 1, 40 Stat. 1028)

This section is a provision accompanying a general appropriation for the Quartermaster Corps in the "First Deficiency Appropriation Act, 1919," cited above

§ 1958a. Sale of subsistence supplies to discharged officers and enlisted men of Army, etc., receiving medical treatment from Public Health Service—Hereafter honorably discharged officers and enlisted men of the Army, Navy, or Marine Corps who are being cared for and are receiving medical treatment from the Public Health Service shall, while undergoing such care and treatment, be permitted to purchase subsistence stores and articles of other authorized supplies, except articles of the uniform, from the Army, Navy, and Marine Corps at the same price as charged the officers and enlisted men of the Army, Navy, and Marine Corps. (June 5, 1920, c 240, 41 Stat. 976.)

From the Army appropriation act for the year 1921, cited above.

§ 1963cc. Medical supplies in Europe for Red Cross—The Secretary of War is hereby authorized to place at the disposal of the American Red Cross, such medical and surgical supplies, and supplementary and dietary foodstuffs used in the treatment of the sick and injured now in Europe and designed for but which are not now essential to the needs of the American Expeditionary Forces, or needed for use in military hospitals in the United States, or as military or hospital stores for the Army of the United States, to be used by said American Red Cross as it shall determine, to relieve and supply the pressing needs of the peoples of countries involved in the late war. The Secretary of War shall prescribe regulations and conditions for the selection and delivery of said supplies and foodstuffs to the American Red Cross for the purposes aforesaid. (July 11, 1919, c. 8, subchapter IV, 41 Stat. 130.)

From the Army appropriation act for the year 1920, cited above

§ 1963dd. Loan of tents—Hereafter no loan of tents shall be made except to the Grand Army of the Republic, the United Confederate Veterans, the United Spanish War Veterans, and to recognized organizations of veterans of the late World War by whatever name they may be known. (March 2, 1913, No 11, 37 Stat 1025, amended, July 26, 1919, c. 28, 41 Stat. 272.)

This section was amended by Res July 26, 1919, c. 28, cited above, by adding thereto the words beginning "the United Spanish War Veterans," etc., as set forth above

§ 1972aaa. Exchange of aerial material—Subject to the approval of the Secretary of War, motor-propelled vehicles, airplanes, engines, parts thereof, balloons, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purposes as

those proposed to be exchanged. (July 9, 1918, c. 143, 40 Stat 849.)

From the Army appropriation act for the year 1919, cited above. It supersedes a similar provision of May 12, 1917, c 12, 40 Stat 43

§ 1972b(1). Sale of horses and mules at remount stations—The Secretary of War is authorized and directed to sell as soon as possible after the approval of this Act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, such horses and mules now being held at remount stations and posts or with organizations of the National Guard or units of the Reserve Officers' Training Corps as are not in actual use. (June 30, 1922, c 253, title I, 42 Stat. 728.)

From the War Department appropriation act for the year 1923, cited above. The same provision is contained in prior acts

§ 1972c. Interchange of supplies between Army and Navy—The interchange without compensation therefor, of military stores, supplies, and equipment of every character, including real estate owned by the Government, is hereby authorized between the Army and the Navy upon the request of the head of one service and with the approval of the head of the other service. (July 11, 1919, c 9, 41 Stat 132.)

From the Naval appropriation act for the year 1920, cited above

§ 1976a. Cost of transportation of certain civilian employees and materials; how charged—Hereafter the cost of transportation of civilian employees and of materials in connection with the construction or maintenance of seacoast fortifications, or the acquisition of land therefor, by the Engineer Department, or with the manufacturing and purchase activities of the Ordnance Department and the Chemical Warfare Service, shall be charged to the appropriations for the work in connection with which such transportation charges are incurred. (June 30, 1921, c. 33, § 1, 42 Stat 81.)

From the Army appropriation act for the year 1922, cited above

§ 1978a. Transportation of members and employees of Porto Rican Government—Hereafter when, in the opinion of the Secretary of War, accommodations are available, transportation on Army transports may be provided for the members and employees of the Porto Rican Government and their families on official business without expense to United States. * * (June 30, 1921, c. 33, § 1, 42 Stat. 81.)

From the Army appropriation act for the year 1922, cited above

§ 1978b. Transportation of civilian passengers and commercial cargoes—In the joint discretion of the Secretary of War and chairman of the Shipping Board, and when space is available, civilian passengers and shipments of commercial cargo may be transported on Army transports in the trans-Atlantic service, at such times as space is not available on commercial lines, at rates not less than those charged by commercial steamship companies, between the same ports, for the same class of accommodations, the receipts from which shall be covered into the Treasury of the United States to the credit of miscellaneous receipts. (June 5, 1920, c. 240, 41 Stat. 960.)

From the Army appropriation act for the year 1921, cited above.

§ 1978c. Transportation of wives of soldiers marrying abroad—Transportation of the Army: The Secretary of War is authorized to pay for the transportation from Europe to the United States of the wives of the soldiers who became such while the soldiers were in Europe. The payment therefor shall be made from funds appropriated for the transportation of the Army and its supplies and at the per capita rates agreed upon for the transportation of the troops. (June 5, 1920, c 253, § 1, 41 Stat 1026.)

From the third deficiency appropriation act for the year 1920, cited above

§ 1978d. Transportation from Europe and Siberia of destitute discharged soldiers and families—That the Secretary of War be, and he is hereby, authorized to furnish transportation on United States Army transports from Europe to the United States, and subsistence en route, to any person who served in the Army of the United States and was honorably discharged therefrom in Europe, and who is now in Europe and is or becomes destitute, and to the wife and children of such person and transportation and subsistence en route to such person and his wife and children from point of debarkation in the United States to the point of enlistment of such person or his home of record or to any other point to which he may desire to be furnished transportation for himself, wife, and children. Provided, That such point is of no greater distance from the point of debarkation than is his point of enlistment or home: Provided further, That if such person, his wife and children, are not at a port of embarkation of United States Army transports in Europe the Secretary of War is further authorized to furnish transportation to such person, his wife and children, to such port of embarkation and subsistence en route. Provided further, That such transportation and subsistence shall be furnished to such person, his wife, and children without cost to them. (June 30, 1921, c 34, § 1, 42 Stat 103.)

This section, and the two sections next following, are an act entitled "An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children," cited above

§ 1978e. Same; discharged soldiers at Vladivostok—The Secretary of War is hereby further authorized to furnish transportation and subsistence en route, as contemplated above in the case of destitute former soldiers in Europe, to any person who was honorably discharged from the Army of the United States in Siberia and who is now in Vladivostok or its immediate vicinity and is or becomes destitute, and to the wife and children of such person: Provided, That the Secretary of War is authorized, in transporting such persons to the United States, to procure transportation and subsistence for them on vessels other than United States Army transports from Siberia to Japan. (June 30, 1921, c. 34, § 2, 42 Stat. 103.)

See ante, note to § 1978d.

§ 1978f. Same; termination of authority conferred by act—The authority conferred by this Act shall cease and determine six months after the approval thereof. (June 30, 1921, c 34, § 3, 42 Stat. 103.)

See ante, note to § 1978d.

MILITARY POSTS AND GARRISONS; BARRACKS AND QUARTERS; MOBILIZATION, ETC., STATIONS

§ 1980a(1). Army field clerks and field clerks, Quartermaster Corps—Hereafter no appointments as Army field clerks or field clerks, Quartermaster Corps, shall be made. (June 3, 1916, c. 134, § 4 [4a], added, June 4, 1920, c. 227, subchapter I, § 4, 41 Stat. 761.)

See note to § 1717b, ante.

§ 1980aa. Army field clerks; pay and allowances—Army field clerks shall have the same allowances and benefits as heretofore allowed by law to pay clerks, Quartermaster Corps, not including retirement: Provided, however, That the minimum or en-

tiance pay exclusive of said allowances of said Army field clerks shall be $1,200 per annum· Provided further, That Army field clerks shall receive the same increase of pay for service beyond the continental limits of the United States as is allowed by law to commissioned officers of the Army. (July 11, 1919, c 8, 41 Stat 111)

From the Army appropriation act for the year 1920, cited above This section probably supersedes a somewhat similar provision in Act July 9, 1918, c 143, 40 Stat 853.
See post, § 1980aaaa

§ 1980aaa. Army field clerks, messengers and laborers; assignment to duty— * * Said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve. * * (June 30, 1921, c. 33, § 1, 42 Stat. 75)

From the Army appropriation act for the year 1923, cited above The same provision is contained in prior acts

§ 1980aaaa. Army field clerks; increase of pay—Army field clerks and field clerks Quartermaster Corps. whose total pay and allowances do not exceed $2,500 per annum, shall be paid an increase at the rate of $240 per annum: Provided further, That such Army field clerks and field clerks Quartermaster Corps, whose total pay and allowances exceed $2,500 but do not exceed $2,740 per annum, shall be paid such additional amount as will make their total pay and allowances not to exceed $2,740 per annum: Provided further, That this section shall not be construed to reduce the pay and allowances of any Army field clerk or field clerk Quartermaster Corps. (May 18, 1920, c. 190, § 5, 41 Stat. 602.)

This section is a part of § 5 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above
See post, § 2089a(1), par k, and notes thereunder.

§ 1986a. Appointment of civilians employed in hostess and library services—Hereafter civilians employed in the hostess and library services and paid from the appropriation for military post exchanges may be appointed by the Secretary of War without reference to civil-service rules and regulations. * * (March 2, 1923, c. 178, title I, 42 Stat. 1380)

From the War Department appropriation act for the year 1924, cited above.

§ 1988a. [Amended.]

This section (Act June 3, 1916, c. 134, § 27, 39 Stat 186), was amended by Act June 4, 1920, c. 227, subchapter I, § 27, 41 Stat 775 Said amendment does not affect this section. See ante, § 1891a, and notes thereunder.

§ 1989a. Buildings for Red Cross supplies—Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 785)

This section, as originally enacted, was a part of § 10 of Act June 3, 1916, c. 134, 39 Stat 173. Said § 10 was amended by Act June 4, 1920, c. 227, subchapter I, § 10, by striking out the section (including this section), and inserting a new section in lieu thereof Said new section, so enacted, did not contain the substance of this section. But said Act June 4, 1920, c 227, subchapter I, § 51, cited above, amended said Act June 3, 1916, by adding thereto a new section, designated as section 127a This section is a part of said section 127a
See notes to §§ 1806, 1899aa, ante

GENERAL PROVISIONS OF ORGANIZATION

§ 1991a. Existing laws not affected—All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the Act of Congress approved March third, nineteen hundred and eleven, recruiting parties recruit depots and unassigned recruits, service school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise· Provided, That one of the enlisted men at each main recruiting station who has been detached for duty at such station under the provisions of the Act of Congress approved February second, nineteen hundred and one, may, in the discretion of the Secretary of War, have the rank, pay, and allowances of a first sergeant of Infantry. (June 3, 1916, c. 134, § 22, 39 Stat. 181, amended, July 9, 1918, c. 143, subchapter XVII, § 2, 40 Stat. 889)

This section was amended by Act July 9, 1918, c 143, subchapter XVII, § 2, cited above, by adding thereto the proviso, as set forth above

§ 1991aa. Commissions to citizens of Austrian or German birth—American citizens of Austrian or German birth, or who were born in alien enemy territory, who have passed the necessary examination and whose loyalty is unquestioned, may, in the discretion of the Commander in Chief of the Army and Navy, be commissioned in the United States Army or Navy. (July 9, 1918, c. 143, 40 Stat. 869.)

From the Army appropriation act for the year 1919, cited above.

§ 1991aaa. Transfer of officers—Upon his own application any officer may be transferred to another branch without loss of rank or change of place on the promotion list (June 3, 1916, c 134, § 24 [24d], amended, June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 774.)

See note to § 1920a, ante.

§ 1991b. [Stricken by amendment.]

See note to § 1920a, ante.

§ 1995a. Computation of length of service of army officers appointed to Military Academy after Aug. 24, 1912—In computing for any purpose the length of service of any officer of the Army who was appointed to the United States Military Academy or the United States Naval Academy after August 24, 1912, the time spent at either academy shall not be counted. (June 7, 1924, c. 291, title I, 43 Stat 481. Feb. 12, 1925, c. 225, title I, 43 Stat. 896.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 1997a. Detached officers and enlisted men—All officers and enlisted men authorized by law and not assigned to duty with any branch or bureau herein provided for shall be carried on the Detached Officers' List and Detached Enlisted Men's List, respectively. (June 3, 1916, c. 134 § 25, 39 Stat. 183, amended, June 4, 1920, c. 227, subchapter I, § 25, 41 Stat. 775.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 25, cited above by striking out the original section and inserting in lieu thereof the section as set forth above.
For this section prior to this amendment, see U. S. Comp. St. 1918, §§ 1899b, 1899c, 1997a

§ 1999a. [Stricken by amendment.]

See ante, § 1775a, and note thereunder.

§ 1999b. [Stricken by amendment.]

See ante, § 1775a, and note thereunder.

§ 1999e. Construction of laws relating to detached service—After the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof. (Jan. 17, 1920, c. 48, 41 Stat. 394)

This is an act entitled "An act relating to detached service of officers of the Regular Army," cited above

§ 2019c. Remains of officers, soldiers, civilian employees, and others—Disposition of remains of officers, soldiers, and civilian employees. For interment, cremation (only upon request from relatives of the deceased), or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, cadets, United States Military Academy acting assistant surgeons, members of the Army Nurse Corps, and enlisted men in active service, and accepted applicants for enlistment; for interment or preparation and transportation to their homes of the remains of civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field, for interment of military prisoners who die at military posts, for the interment and shipment to their homes of remains of enlisted men who are discharged in hospitals in the United States and continue as inmates of said hospitals to the date of their death, for interment of prisoners of war and interned alien enemies who die at prison camps in the United States; for removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned graves, or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services out of this sum, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910; for expenses of the segregation of bodies in permanent American cemeteries in Great Britain and France. * * Provided, That the above provisions shall be applicable in the cases of officers and enlisted men on the retired list of the Army who have died or may hereafter die while on active duty by proper assignment (June 30, 1922, c. 253, title II, 42 Stat. 757. March 2, 1923, c 178, title II, 42 Stat. 1417 June 7, 1924, c 291, title II, 43 Stat. 511. Feb. 12, 1925, c. 225, title II, 43 Stat. 926.)

From the War Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 2019d. Care of persons discharged from military service—The President of the United States is hereby authorized and empowered to make provision for such care and treatment as he may deem advisable of persons discharged from the military or naval forces of the United States on account of physical disability who are citizens of any nation at war with a nation with which the United States is at war; but such provision shall be made only for the citizens of a nation that makes suitable provision for the care and treatment of persons discharged from military or naval forces on account of physical disability who are citizens of the United States. Provided, That such care and treatment shall in no case exceed the care and treatment authorized by law and regulations for members of the Army and Navy of the United States discharged from the military or naval service for like cause (July 9 1918, c. 143, subchapter VIII, 40 Stat 881)

From the Army appropriation act for the year 1919, cited above

SELECTIVE DRAFT ACT

§§ 2044a-2044q.

Additional provisions amending or supplementing the Selective Draft Act, Act May 18, 1917, c 15, 40 Stat 76, are as follows

Act July 9, 1918 c 143, subchapter XII, § 4, and subchapter XIII, 40 Stat 885, amending §§ 2 and 7 of the Selective Draft Act

Act Aug 31, 1918 c 166, §§ 1, 2, 3, 40 Stat 955, amending §§ 2, 4, 5, of the Selective Draft Act

Act July 9, 1918, c 143, subchapter XI, 40 Stat 883, providing a method of determining the quotas of the States for military service under the Selective Draft Act

Act July 9, 1918, c 143, subchapter XX, 40 Stat. 894, providing for the enlistment for the period of the war with Germany of men outside the draft age

Act July 9, 1918, c 143, subchapter XXI, 40 Stat 894, providing for the increase of the drafted army

A provision of Act July 9, 1918, c 143, 40 Stat 868, providing for the enlistment, training, and use of the Slavic Legion.

A provision of Act July 9, 1918, c 143, 40 Stat 851, providing for credits for payments for rents connected with the enforcement of the Selective Draft Act.

A provision of Act Nov 4, 1918, c. 201, § 1, 40 Stat. 1027, providing for allowances in lieu of subsistence to draft boards and their employés

A provision of Act July 11, 1919, c 8, 41 Stat. 110, containing in force § 10 of the Selective Draft Act

These provisions are omitted from this supplement as no longer operative

§ 2044q(1). Status of deserters not affected; liability to prosecution of offenders against Selective Draft Act—None of the provisions contained in section 2 of the Act of May 18, 1917 (Fortieth Statutes, page 77), or in section 4 of the Act of June 15, 1917 (Fortieth Statutes, page 217), or in any other Act or joint resolution of Congress, or in any proclamation heretofore issued by the President, or in any proclamation of peace that may hereafter be issued by the President, shall be construed as terminating the military or naval status of any person who, having been drafted or having voluntarily enlisted for the period of the emergency due to the World War in the military or naval service of the United States, or having been commissioned as an officer for the period of said emergency in the military or naval forces of the United States, thereafter deserted such military or naval service; or as terminating before the expiration of three years after the date of the President's proclamation of peace as required by section 4 of the Act of June 15, 1917 (Fortieth Statutes, page 217), exclusive of all periods of absence from the jurisdiction of the United States, the amenability to prosecution and trial of any person who willfully failed or refused to comply with any of the requirements of the Act of May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," or of said Act as amended, or with regulations promulgated by the President pursuant thereto. (March 8, 1922, c. 101, 42 Stat. 421)

This section is a resolution entitled a "Joint Resolution To continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law," cited above

§ 2044q(2). Assignment to service in Army, Navy or Marine Corps—All men rendered available for induction into the military service of the United States through registration or draft heretofore or hereafter made pursuant to law, shall be liable to service in the Army or the Navy or the Marine Corps, and shall be allotted to the Army, the Navy, and the Marine Corps under regulations to be prescribed by the President: Provided, That all persons drafted and allotted to the Navy or the Marine

Corps in pursuance hereof shall, from the date of allotment, be subject to the laws and regulations governing the Navy and the Marine Corps, respectively. (Aug. 31, 1918, c. 166, § 4, 40 Stat 956)

This section, and the section next following, are sections 4 and 7 of an act entitled "An Act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above

§ 2044q(3). Assignment of soldiers to educational institutions for training—The Secretary of War is authorized to assign to educational institutions, for special and technical training, soldiers who enter the military service under the provisions of this Act in such numbers and under such regulations as he may prescribe, and is authorized to contract with such educational institutions for the subsistence, quarters, and military and academic instruction of such soldiers. (Aug 31, 1918, c. 166, § 7, 40 Stat. 957)

See note to § 2044q(2), ante

§ 2044q(4). Detail of officers on active list for recruiting service or at schools and colleges—No officer on the active list shall be detailed for recruiting service or for duty at schools and colleges, not including schools of the service, where officers on the retired list can be secured who are competent for such duty. (Sept. 17, 1919, c. 61, 41 Stat. 286.)

This section is a part of an act entitled "An act to provide necessary commissioned personnel for the Army until June 30, 1920," cited above.

REGISTRATION AND DRAFTING OF ALIENS

§ 2044¼(a). Proclamation; persons subject to—The President may by proclamation set a day or days and place or places for the registration for military service of male aliens within designated ages residing within the United States who are citizens or subjects of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement in accordance with the terms of which its citizens or subjects within designated ages, residing within the United States, become under certain conditions liable to be drafted into the military service of the United States; that upon proclamation by the President stating the time and place of such registration it shall be the duty of any such alien, unless exempted from registration by the terms of the President's proclamation, to present himself for and submit to registration under the provisions of the Act approved May eighteenth, nineteen hundred and seventeen, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto, and he shall thereupon be registered in the same manner as those previously registered under the terms of said Act; and every such alien shall be deemed to have notice of the requirements of said Act and this joint resolution upon the publication by the President of any such proclamation, and any such alien who shall willfully fail or refuse to present himself for registration or to submit thereto shall be subject to all the provisions and liable to all the penalties provided in said Act or any amendment thereto (July 9, 1918, c. 143, subchapter XII, § 1, 40 Stat 884)

This section, and the two sections next following, are a part of the Army appropriation act for the fiscal year 1919, cited above.

§ 2044¼(b). Liability to military service; exemptions—Any such alien, when registered, shall be and remain liable to military service in the forces of the United States and subject to draft under the provisions of said convention or agreement and of said Act and all amendments thereto, and subject to such regulations as the President may have prescribed or may prescribe under the terms thereof, unless during the period specified in the convention or agreement concluded with the country whereof he is a citizen or subject and designated in the President's proclamation, he shall have enlisted or enrolled in the military forces of his own country or returned to his own country for the purpose of enlisting or enrolling in its military forces, or unless the country whereof he is a citizen or subject, through its diplomatic representatives, in accordance with the terms of the convention or agreement concluded between the United States and such foreign country, shall issue to such alien a certificate of exemption from military service. (July 9, 1918, c. 143, subchapter XII, § 2, 40 Stat. 884)

See note to § 2044¼(a), ante.

§ 2044¼(c). Persons subject to act—Any such alien, after the expiration of the time fixed by the President's proclamation within which he may enlist or enroll in the military forces of his own country, return to his own country for the purpose of military service, or be exempted through the diplomatic representative of the country whereof he is a citizen or subject, shall be and remain subject in all respects to the terms, provisions, liabilities, and penalties of said Act and all amendments thereto, except as modified by the terms of the convention or agreement concluded between the United States and the country whereof such alien is a citizen or subject, and shall be subject to such regulations as the President may have prescribed or may prescribe under the terms of said Act (July 9, 1918, c. 143, subchapter XII, § 3, 40 Stat. 884)

See note to § 2044¼(a), ante.

Chapter Two—Retirement

§ 2048a. Classification of officers; procedure in placing officers in Class B; discharge or retirement of officers in Class B; pay of retired officers; employment of retired officers on active duty; second lieutenants not qualified for promotion—Immediately upon the passage of this Act, and in September of 1921 and every year thereafter, the President shall convene a board of not less than five general officers, which shall arrange all officers in two classes, namely: Class A, consisting of officers who should be retained in the service, and Class B, of officers who should not be retained in the service. Until otherwise finally classified, all officers shall be regarded as belonging to Class A, and shall be promoted according to the provisions of this Act to fill any vacancies which may occur prior to such final classification No officer shall be finally classified in Class B until he shall have been given an opportunity to appear before a court of inquiry In such court of inquiry he shall be furnished with a full copy of the official records upon which the proposed classification is based and shall be given an opportunity to present testimony in his own behalf. The record of such court of inquiry shall be forwarded to the final classification board for reconsideration of the case, and after such consideration the finding of said classification board shall be final and not subject to further revision except upon the order of the President. Whenever an officer is placed in Class B, a board of not less than three officers shall be convened to determine whether such classification is due to his neglect, misconduct or avoidable habits. If the finding is affirmative, he shall be discharged from the Army; if negative, he shall be placed on the unlimited retired list with pay at the rate of 2½ per centum of his active pay multiplied by the number of complete years of commissioned service, or service which under the provisions of this Act is counted as its equivalent, unless his total commissioned service or equivalent service shall be less than ten years, in which case he shall be honorably discharged with one year's pay. The maximum retired pay of an

officer retired under the provisions of this section prior to January 1, 1924, shall be 75 per centum of active pay, and of one retired on or after that date, 60 per centum. If an officer is thus retired before the completion of thirty years' commissioned service, he may be employed on such active duty as the Secretary of War considers him capable of performing until he has completed thirty years' commissioned service The board convened upon the passage of this Act shall also report the names of those second lieutenants of the Quartermaster Corps who were commissioned under the provisions of section 9 of the Act of June 3, 1916, who are not qualified for further promotion. The officers so reported shall continue in the grade of second lieutenant for the remainder of their service and the others shall be placed upon the promotion list according to their commissioned service, as hereinbefore provided. (June 3, 1916, c 134, § 24 [24b], amended, June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 773.)

See note to § 1920a, ante.

§ 2049a. [Stricken by amendment]

This section (Act June 3, 1916, c 134, § 26, 39 Stat 185), was amended by Act June 4, 1920, c 227, subchapter I, § 26, 41 Stat 775, by striking out the section

§ 2073(1). Limited retired list; officers not to be placed on—Hereafter officers retired for physical disability shall not form part of the limited retired list (Sept. 17, 1919, c. 61, 41 Stat 286.)

This section is a part of an act entitled "An act to provide necessary commissioned personnel for the Army until June 30, 1920," cited above

§ 2075. Assignment of retired officers to active duty—In time of war retired officers may be employed on active duty in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grades. (June 3, 1916, c 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat 785.)

This section, as originally enacted, was a part of § 24 of Act June 3, 1916, c 134, 39 Stat 183 Said § 24 was amended by Act June 4, 1920, c 227, subchapter I, § 24, by striking out the section (including this section), and inserting a new section in lieu thereof. Said new section, so enacted, did not contain the substance of this section But said Act June 4, 1920, c. 227, subchapter I, § 51, cited above, amended said Act June 3, 1916, c 134, by adding thereto a new section, designated as section 127a This section is a part of said section 127a

See notes to §§ 1899aa, 1920a, ante.

§ 2077a. Retired officers on active duty—When any retired officer of the Army is, in the discretion of the President, employed on active duty and assigned to duty in an arm, corps, department, or organization, he shall, for all purposes, except promotion, be considered an officer of such arm, corps, department, or organization while so serving, and shall be an extra number therein. (July 9, 1918, c. 143, subchapter XX, 40 Stat. 893.)

From the Army appropriation act for the year 1919, cited above

§ 2080a. Assignment of retired officers to active duty; rank, pay, and allowances—Hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of colonel, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed to active duty since his retirement. (June 3, 1916, c. 134, § 127a, added, June 4, 1920, c. 227, subchapter I, § 51, 41 Stat. 786.)

This section, as originally enacted, was a part of § 24 of Act June 3, 1916, c. 134, 39 Stat. 183 It was amended by Act July 9, 1918, c 143, subchapter XVII, § 4, 40 Stat 890, to read as follows:

"Hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of colonel, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement"

Said § 24 was again amended by Act June 4, 1920, c. 227, subchapter I, § 24, 41 Stat. 771, by striking out the section (including this section), and inserting a new section in lieu thereof Said new section, so enacted, did not contain the substance of this section. But said Act June 4, 1920, c. 227, subchapter I, § 51, cited above, amended said Act June 3, 1916, c. 134, by adding thereto a new section, designated as section 127a This section is a part of said section 127a.

See notes to §§ 1899aa, 1920a, ante.

§ 2088a. Pay of retired enlisted men with service as commissioned officers—Retired enlisted men of the Army heretofore or hereafter retired who served honorably as commissioned officers of the Army of the United States at some time between April 6, 1917, and November 11, 1918, shall be entitled to receive the pay of retired warrant officers of the Army: * * Provided, That such enlisted man retired prior to July 1, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired prior to that date, and that any such enlisted man retired subsequent to June 30, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired subsequent to that date: Provided further, That nothing in this Act shall operate to prevent any person from receiving the pay and allowances of his grade, rank, or rating on the retired list when such pay and allowances exceed the pay to which he would be entitled under this Act by virtue of his commissioned service. (June 6, 1924, c. 275, § 8, 43 Stat. 472.)

This section is a part of section 8 of an act entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes," cited above It supersedes a part of § 127a of Act June 3, 1916, c 134, added by Act June 14, 1920, c 227, subchapter I, § 51, 41 Stat 586, which read as follows

"Retired enlisted men who have served honorably as commissioned officers of the United States Army at some time between April 6, 1917, and November 11, 1918, including those who have been placed on the retired list during the World War, and who have been or may hereafter be discharged from their temporary commissions, shall receive the retired pay and allowances of warrant officers on the retired list, as provided in this Act."

See note to § 1899aa, ante

For retired pay of enlisted men of the Army, see post, § 2089a(9).

Chapter Three—Pay and Allowances

§ 2089a(1). (a) Rates of pay; pay periods—Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period. $2,000; the third period, $2.400; the fourth period, $3,000; the fifth period, $3,500; and the sixth period, $4,000.

(b) Pay of sixth period; to whom payable—The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, Act of June 3, 1916, as amended by the Act of June 4, 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of

the Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army.

(c) Pay of fifth period; to whom payable—The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period, to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24, to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander, and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service Provided, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service

(d) Pay of fourth period; to whom payable—The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period, to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

(e) Pay of third period; to whom payable—The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

(f) Pay of second period; to whom payable—The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service

(g) Pay of first period; to whom payable—The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

(h) Pay of certain officers during existence of state of war—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period

(i) Increase for length of service; maximum; no increase of pay of officers or warrant officers on retired list—Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years: Provided, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750. Nothing contained in the first sentence of section 17 or in any other section of this Act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

(j) Service to be counted for pay purposes—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President For officers in the service on June 30, 1922, there shall be included in the computation all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time, and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation.

(k) Pay of persons serving, not as commissioned officers, but whose existing pay is equivalent to that of commissioned officers of certain enumerated grades; pay of contract surgeons; pay of commissioned warrant officers; allowances to Army field clerks and field clerks, Quartermaster Corps—The provisions of this Act shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the title of this Act, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. * * Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after twelve years' commissioned service, receive the pay of the third period: Provided, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. Army field clerks and field clerks, Quartermaster Corps, shall have the allowances for subsistence and rental au-

thorized for officers receiving the pay of the first period. (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

This section and sections 2089a(2)-2089a(9a), 2089a(10), 2089a(11)-2089a(14), 2089a(15)-2089a(18), 2089a(19), 2089(20), post, are §§ 1-10, 11-13, 15-18, 20-22 of an act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above, as amended Part of section 10 of this act as amended relates only to the Navy and the Coast Guard, and is set forth post, §§ 2815a(9)-2815a(10), 2815a(11), 8459½a(3h)-8459½a(3j); section 14 relates only to the National Guard, and is set forth post, §§ 3044uu, 3044v(3), section 19 relates only to the Military Academy and the Coast Guard, and is set forth post, §§ 2.60a, 8459½a(3r)

The omitted portion of this paragraph relates to the pay of pay clerks of the Marine Corps, and is set forth post, § 2815a

This act, or such portions of it as are applicable, is also set forth post, under the titles "The Navy," 'The Militia," "The Coast Guard," "The Coast and Geodetic Survey," and 'The Public Health"

This act seems to be intended to supersede all other acts or parts of acts relating to the pay of the Army, etc., at least as to pay and allowances from July 1, 1922 Other laws may still be operative as to pay and allowance rights which have already accrued thereunder Since the publication of the U S Comp St 1918 the following acts have been enacted dealing with the pay and allowances of the Army

A provision of Act July 9, 1918, c 143, 40 Stat 875, which read as follows

"Officers and enlisted men of the forces of the Army of the United States other than the Regular Army who have had service in the National Guard and Organized Militia of any State, Territory, or District, but who have entered the service in the forces of the Army of the United States, otherwise than through draft under the provisions of section one hundred and eleven of the Act of June third, nineteen hundred and sixteen, known as the national defense Act, shall be upon the same footing as to pay and allowance as the members of said forces who were drafted under the provisions of said section"

Act May 18, 1920, c 190, 41 Stat 601, entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," which reads as follows

"Commencing January 1, 1920, commissioned officers of the Army, Navy, and Marine Corps, and Public Health Service shall be paid, in addition to all pay and allowances now allowed by law, increases at rates per annum as follows Colonels in the Army and Marine Corps, captains in the Navy, and assistant surgeons general in the Public Health Service, $600, lieutenant colonels in the Army and Marine Corps, commanders in the Navy, and senior surgeons in the Public Health Service, $600, majors in the Army and Marine Corps, lieutenant commanders in the Navy, and surgeons in the Public Health Service, $340; captains in the Army and Marine Corps, lieutenants in the Navy, and passed assistant surgeons in the Public Health Service, $720, first lieutenants in the Army and Marine Corps, lieutenants (junior grade), acting assistant surgeons and acting assistant dental surgeons in the Navy, and assistant surgeons in the Public Health Service, $600, second lieutenants in the Army and Marine Corps, and ensigns in the Navy, $420 Provided, That contract surgeons of the Army serving full time shall receive the pay of a second lieutenant.

"2 The rights and benefits prescribed under the Act of April 16, 1918, granting commutation of quarters, heat, and light during the present emergency to officers of the Army on duty in the field are hereby continued and made effective until June 30, 1922, and shall apply equally to officers of the Navy, Marine Corps, Coast Guard, and Public Health Service· Provided, That such rights and benefits as are prescribed for officers shall apply equally for enlisted men now entitled by regulations to quarters or to commutation therefor"

"3. Relates to pay of warrant officers in the Navy. See post, note to § 2815a(9).

"4. Commencing January 1, 1920, the pay of all enlisted men of the Army and Marine Corps and of members of the female Nurse Corps of the Army and Navy is hereby increased 20 per centum. Provided, That such increase shall not apply to enlisted men whose initial pay, if it has already been permanently increased since April 6, 1917, is now less than $33 per month

"5. All noncommissioned officers of the Army of grade of color sergeant and above as fixed by existing Army Regulations and noncommissioned officers of the Marine Corps of corresponding grades shall be entitled to one ration or commutation therefor in addition to that to which they are now entitled The commutation value shall be determined by the President on July 1 of each fiscal year, and for the current fiscal year the value shall be computed on the basis of 55 cents per ration: * * *"

The remainder of § 5 is set forth ante, as § 1980aaaaa.

Section 6 relates to the pay of the Navy (see post, §§ 2758aa, 2900½b(5½), and note to § 2815a(10)).

Section 7 relates to the pay of civilian professors and instructors in the Naval Academy (see post, § 2748b).

Section 8 relates to the pay of the Coast Guard (see post, note to § 8459½a(3d)-8459½a(3e)).

"9 Nothing contained in this Act shall be construed as granting any back pay or allowances to any officer or enlisted man whose active service shall have terminated subsequent to December 31, 1918, and prior to the approval of this Act, unless such officers or enlisted men shall have been recalled to active service or shall have been re-enlisted prior to the approval of this Act"

Section 10 relates to re-enlistment bounty in the Navy (see post, § 2862a)

"11 * * Hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services"

The remainder of § 11 relates to the Coast and Geodetic Survey (see post, § 8562ee)

"12 Hereafter when any commissioned officer, noncommissioned officer of the grade of color sergeant and above, including any noncommissioned officer of the Marine Corps of corresponding grade, warrant officer, chief petty officer, or petty officer (first class), having a wife or dependent child or children, is ordered to make a permanent change of station, the United States shall furnish transportation in kind from funds appropriated for the transportation of the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service to his new station for the wife and dependent child or children Provided, That for persons in the naval service the term 'permanent station,' as used in this section, shall be interpreted to mean a shore station or the home yard of the vessel to which the person concerned may be ordered, and a duly authorized change in home yard or home port of such vessel shall be deemed a change of station Provided further, That if the cost of such transportation exceeds that for transportation from the old to the new station the excess cost shall be paid to the United States by the officer concerned Provided further, That transportation supplied the wife or dependent child or children of such officer, to or from stations beyond the continental limits of the United States, shall not be other than by Government transport, if such transportation is available. And provided further, That the personnel of the Navy shall have the benefit of all existing laws applying to the Army and the Marine Corps for the transportation of household effects

"13 The provisions of sections 1, 3, 4, 5, and 6 of this Act shall remain effective until the close of the fiscal year ending June 30, 1922, unless sooner amended or repealed. Provided, that the rates of pay prescribed in sections 4 and 6 hereof shall be the rates of pay during the current enlistment of all men in active service on the date of the approval of this Act, and for those who enlist, re-enlist, or extend their enlistment prior to July 1, 1922, for the term of such enlistment, re-enlistment, or extended enlistment Provided further, that the increases provided in this act shall not enter into the computation of the retired pay of officers or enlisted men who may be retired prior to July 1, 1922· And provided further that a special committee, to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make an investigation and report recommendations to their respective Houses not later than the first Monday in January, 1922, relative to the readjustment of the pay and allowances of the commissioned and enlisted personnel of the several services herein mentioned

"14 Nothing contained in this Act shall operate to reduce the pay or allowances of any officer or enlisted man on the active or retired list Provided, That the allowances and gratuities now authorized by existing law are not changed hereby, except as otherwise specified in this Act

"15 The appropriations 'Pay of the Navy, 1920,' and 'Pay, Marine Corps, 1920,' are hereby made available for any of the expenses authorized by this Act, and any part or all of the appropriations 'Provisions, Navy, 1920,' and 'Maintenance, Quartermaster's Department, Marine Corps, 1920,' not required for the objects of expenditures specified in said appropriations, may be transferred to the appropriations 'Pay of the Navy, 1920,' or 'Pay, Marine Corps, 1920,' respectively as may be required."

Res. Dec. 22, 1921, c. 16, 42 Stat. 352, extending the time for the making of the report by the special committee provided for by Act May 18, 1920, c 190, § 13, from not later than the first Monday in January, 1922, to not later than the first Monday in March, 1922.

See Act March 3, 1925, c 411, ante, §§ 1881d(3)-1881d(7), defining the status of retired officers of the Army and the Philippine Scouts detailed for duty at educational institutions for purposes of promotion and computation of longevity pay.

§ 2089a(2). Same; no increase of pay for field or sea duty—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c. 212, § 2, 42 Stat. 627.)

See note to § 2089a (1), ante.

§ 2089a(3). Rates of pay; pay of officers of National Guard or of reserve forces authorized to receive Federal pay; increase—When officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth fourth, third, second and first periods, respectively Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in the tenth paragraph of section 1. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this Act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions (June 10, 1922, c 212, § 3, 42 Stat. 627, amended, May 31, 1924, c 224, § 1, 43 Stat. 250)

This section was amended by Act May 31, 1924, c. 224, § 1, cited above, by inserting the second sentence as set forth above Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922

See note to § 2089a (1), ante

The Naval Reserve Force, established under Act Aug 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c. 374, 43 Stat 1080 By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c 180, 39 Stat. 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c. 228, 41 Stat 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations. See §§ 2900½–1 to 2900½–40, and notes thereunder

§ 2089a(4). Allowances; "dependent" defined—The term "dependent" as used in the succeeding sections of this Act shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c. 212, § 4, 42 Stat. 627.)

See note to § 2089a (1), ante.

§ 2089a(5). Same; money allowance for subsistence—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922 The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances. Provided, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c 212, § 5, 42 Stat. 628)

See note to § 2089a (1), ante.

§ 2089a(6). Same; money allowance for rental of quarters—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year as compared with rents for the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms.

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms.

No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of

rooms would be adequate for the occupancy of the officer and his dependents

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof (June 10, 1922, c. 212, § 6, 42 Stat. 628, amended, May 31, 1924, c. 224, § 2, 43 Stat. 250)

This section was amended by Act May 31, 1924, c. 224, § 2, cited above, to read as set forth above. As originally enacted this section read as follows:

"Each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative costs of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty."

Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922. See, also, note to § 2089a (1), ante.

§ 2089a(7). Rates of pay; maximum of base pay, pay for length of service, and allowances for subsistence and rental of quarters—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this Act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200: Provided, That this section shall not apply to the Captain Commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey. (June 10, 1922, c. 212, § 7, 42 Stat. 628.)

See note to § 2089a (1), ante

§ 2089a(8). Same; base pay and money allowances for subsistence and rental of quarters of brigadier generals and major generals; maximum—Commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000 and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the sixth period: Provided, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively. Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500, when serving in the grade of admiral or as Chief of Naval Operations, $2,200. (June 10, 1922, c. 212, § 8, 42 Stat. 629)

See note to § 2089a (1), ante

§ 2089a(9). Same; base pay of warrant officers and enlisted men; increase for service; reenlistment allowances; retired pay of enlisted men—Commencing July 1, 1922, the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps shall be as follows: Warrant officers of the Army and Marine Corps, $148, warrant officers, Army Mine Planter Service master, $185; first mate, $141, second mate, $109, engineer, $175, assistant engineer, $120, enlisted men of the first grade $126; enlisted men of the second grade, $84, enlisted men of the third grade, $72, enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30, enlisted men of the seventh grade, $21; and the pay for specialists' ratings shall be as follows: First class, $30, second class, $25; third class, $20; fourth class, $15, fifth class, $6; sixth class, $3. Existing laws authorizing continuous-service pay for each five years of service are hereby repealed, effective June 30, 1922. Commencing July 1, 1922, warrant officers of the Army and Marine Corps, including warrant officers of the Army Mine Planter Service and enlisted men of the Army and Marine Corps, shall receive, as a permanent addition to their pay, an increase of 5 per centum of their base pay for each four years of service in any of the services mentioned in the title of this Act not to exceed 25 per centum. On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Marine Corps Reserve. On and after July 1, 1922, retired enlisted men of the Army and Marine Corps shall have their retired pay computed as now authorized by law on the basis of pay provided in this Act. (June 10, 1922, c. 212, § 9, 42 Stat. 629)

See note to § 2089a(1), ante. See, also, ante, § 1891aa, and note thereunder.

§ 2089a(9a). Same; credit to enlisted men for service as warrant or commissioned officers in computation of service for longevity pay purposes—All enlisted men of all the services mentioned in the title of this Act who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computa-

tion of their enlisted service for longevity pay purposes, and shall be paid accordingly (June 10, 1922, c. 212, § 10, 42 Stat. 630, amended, May 31, 1924, c. 224, § 3, 43 Stat. 251)

This section is a part of section 3 of Act May 31, 1924, c 224, cited above, amending Act June 10, 1922, c 212, § 10, also cited above This amendment consisted in adding to said section 10 the paragraph as set forth above, and also in the addition of another paragraph, set forth post, § 2815a-(11a). Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922 See, also, note to § 2089a(1), ante

§ 2089a(10). Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; commutation of rations—Warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the first period To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $1 per day These regulations shall be uniform for all the services mentioned in the title of this Act. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law (June 10, 1922, c 212, § 11, 42 Stat 630)

See note to § 2089a (1), ante.

§ 2089a(10½). Money allowances for subsistence and rental of quarters to reserve officers and reserve warrant officers while on active duty—Officers and warrant officers of the National Guard while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat. 1507.)

This section is § 1 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For sections 5, 6, and 11 of Act June 10, 1922, c. 212, mentioned in this section, see ante, §§ 2089a(5), 2089a(6), and 2089a(10).

§ 2089a(11). Mileage allowance to officers; travel expenses—Officers of any of the services mentioned in the title of this Act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat 631)

See note to § 2089a (1), ante.

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat 897, contains the following "Mileage of the Army. For mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law, to commissioned officers, warrant officers, contract surgeons, expert accountant, Inspector General's Department, Army field clerks and field clerks of the Quartermaster Corps, when authorized by law, $800,000; and officers and other members of the military establishment named in this paragraph performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred." Said act also contains a similar restriction applicable to officers of the Officers' Reserve Corps. See Act Feb 12, 1925, c. 225, title I, 43 Stat 921.

§ 2089a(12). Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel—In lieu of the transportation in kind authorized by section 12 of an Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed Dependent children shall be such as are defined in section 4 of this Act. (June 10, 1922, c. 212, § 12, 42 Stat. 631)

See note to § 2089a (1), ante

§ 2089a(13). Rates of pay; female nurses; money allowances to superintendents of Nurse Corps, assistant superintendents, directors, assistant directors, and chief nurses; allowances to nurses for subsistence and rental of quarters—Commencing July 1, 1922, the annual pay of female nurses of the Army and Navy shall be as follows: During the first three years of service, $840; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,080; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,380; from the beginning of the tenth year of service, $1,560. Superintendents of the Nurse Corps shall receive a money allowance at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their pay as nurses. Nurses shall be entitled to the same allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the first period, and to the same allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the first period. (June 10, 1922, c. 212, § 13, 42 Stat 631.)

See note to § 2089a (1), ante.

§ 2089a(14). Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed—Existing laws authorizing

increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1, 1922 (June 10, 1922, c. 212, § 15, 42 Stat. 632)

See note to § 2089a (1), ante
The Army appropriation acts have contained provisions for the commutation of quarters and heat and light These provisions are repealed by this section

§ 2089a(14¼). Heat or light in kind prohibited to persons receiving allowance for rental of quarters—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922 (March 2, 1923, c. 178, title I, 42 Stat 1385.)

From the War Department appropriation act for the year 1924, cited above

§ 2089a(15). Rates of pay; existing pay of officers and persons whose pay is based upon pay of commissioned officers not reduced; total of existing pay and allowances of enlisted men not reduced—Nothing contained in this Act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this Act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer. (June 10, 1922, c. 212, § 16, 42 Stat. 632.)

See note to § 2089a (1), ante

§ 2089a(16). Retired pay; officers and warrant officers; no promotion of retired officers for active duty; promotion of retired officers of Philippine Scouts for previous active duty; pay and allowances of retired officers, warrant officers and enlisted men when on active duty—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this Act: Provided, That nothing contained in this Act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this Act: Provided, That the pay saved to an officer by section 16 of this Act or by the Act of September 14, 1922, shall be construed as the pay provided in this Act for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion: Provided, That officers and former officers of the Philippine Scouts who were placed on the retired list prior to June 4, 1920, shall be entitled to promotion on the retired list for active duty heretofore performed subsequent to retirement, in accordance with the provisions of section 127a of the Act of June 3, 1916, as amended by the Act of June 4, 1920, and to the same pay and benefits received by other officers of the Army of like grade and length of service, on the retired list Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances (June 10, 1922, c. 212, § 17, 42 Stat 632, amended, May 31, 1924, c. 224, § 6, 43 Stat. 252.)

This section was amended by Act May 31, 1924, c 224, § 6, cited above, by adding to the first sentence of the section the second proviso as set forth above Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922
See note to § 2089a(1), ante
See Act March 3, 1925, c 411, ante §§ 1881d(7)-1881d(7), defining the status of retired officers of the Army and the Philippine Scouts detailed for duty at educational institutions for purposes of promotion and computation of longevity pay

§ 2089a(17). Additional pay to enlisted men for special qualifications; laws repealed—Under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments, or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect July 1, 1922. (June 10, 1922, c 212, § 18, 42 Stat 632)

See note to § 2089a (1), ante

§ 2089a(18). Increase of pay of officers, warrant officers and enlisted men detailed to duty involving flying; number detailed—All officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army. Exclusive of the Army Air Service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this Act detailed to duty involving flying shall not at any one time exceed one-half of 1 per centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard, participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the National Defense Act, as amended, and of the reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and when such flying duty involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned. (June 10, 1922, c. 212, § 20, 42 Stat. 632, amended, May 31, 1924, c. 224, § 4, 43 Stat. 251.)

This section was amended by Act May 31, 1924, c. 224, § 4, cited above, by striking out the last sentence of the section, and by inserting in lieu thereof that part of the section as set forth above beginning with the words "Officers, warrant officers, and enlisted men of the National Guard," etc. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.
See note to § 2089a(1), ante.

§ 2089a(18¼). Per diem to officers and enlisted men of Army, making aerial surveys of rivers, harbors, etc.—To cover actual additional expenses to

which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: Provided, That not more than one of the per diem allowances authorized in this section shall be paid for any one day. (March 3, 1925, c. 467, § 5, 43 Stat 1190)

This section is a part of section 5 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

§ 2089a(19). Existing laws and regulations not changed; pay and allowances of General of the Armies, enlisted men of Philippine Scouts, Indian scouts, and flying cadets; allowances in kind for rations, quarters, heat, and light for officers and warrant officers; allowances for private mounts for officers; transportation and packing allowances for baggage or household effects of officers, warrant officers, and enlisted men; additional pay for aides; extra pay to enlisted men serving as stenographic reporters, etc.; money allowances to enlisted men awarded medals or decorations—Nothing in this Act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aides; nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: Provided, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c. 212, § 21, 42 Stat. 633, amended, May 31, 1924, c. 224, § 5, 43 Stat 251)

This section was amended by Act May 31, 1924, c 224, § 5, cited above by adding the proviso. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922

See note to § 2089a(1), ante.

§ 2089a(20). Time of taking effect of act; inconsistent laws repealed—The provisions of this Act shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date. (June 10, 1922, c. 212, § 22, 42 Stat. 633.)

See note to § 2089a (1), ante.

§ 2097a. [Repealed.]

This section, a provision of Act March 4, 1915, c. 143, § 1, 38 Stat. 1067, "that the pay of clerks and messengers at headquarters of territorial departments, tactical divisions, brigades and service schools, who are citizens of the United States, shall be increased $200 each per annum while serving in the Philippine Islands," was repealed by a provision of the War Department appropriation act for the year 1924, Act March 2, 1923, c 178, title I, 42 Stat. 1384.

§ 2110. [Repealed and superseded]

This section (Act March 4, 1912, c 50, 37 Stat 72), relating to leaves of absence to members of the Nurse Corps, was repealed by a provision of Act July 9, 1918, c 143, subchapter V, § 7, 40 Stat 880 Said repealing provision was as follows "That section nineteen of chapter one hundred and ninety-two of Thirty-first Statutes, page seven hundred and fifty-three, chapter fifty of Thirty-seventh Statutes, page seventy-two, that part of the Act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes, page five hundred and seventy-five), providing for allowances, subsistence, and medical care during illness for the Superintendent of the Nurse Corps, and that part of the Act approved March twenty-third, nineteen hundred and ten (Thirty-sixth Statutes, page two hundred and forty-nine) prescribing the pay of the superintendent and members of the Nurse Corps, be and the same are, hereby repealed"

This section was also superseded by further provisions of said Act July 9, 1918, c 143, subchapter V, set forth ante, §§ 1832b-1832g.

§ 2118.

Commutation of quarters laws repealed See ante, § 2089a(11)

§ 2118d. Housing of officers serving in the Canal Zone—Hereafter officers of the Army pertaining to the United States troops serving in the Canal Zone shall not be required to pay rent for the occupancy of houses of the Panama Canal to which they may be assigned. (July 9, 1918, c. 143, 40 Stat 855.)

From the Army appropriation act for the year 1919, cited above.

§ 2123a. Uniforms accouterments and equipment furnished at cost—Hereafter, uniforms, accouterments, and equipment shall, upon the request of any officer of the Army or cadet at the Military Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of War may prescribe. (Aug 31, 1918, c. 166, § 9, 40 Stat 957)

This section is section 9 of an act entitled "An act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above See post, § 2123aa

§ 2123aa. Uniforms, etc., furnished at cost to officers of National Guard and National Guard Reserve—Section 9 of an Act amending the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe. (June 3, 1916, c. 134, § 109, 39 Stat. 209, amended, June 4, 1920, c. 227, subchapter I, § 47, 41 Stat. 783, and June 3, 1924, c. 244, § 3, 43 Stat. 364.)

This section is a part of section 109 of Act June 3, 1916, c. 134, as amended by Act June 4, 1920, c. 227, subchapter I, § 47, and Act June 3, 1924, c. 244, § 3. The amendment by Act June 3, 1924, c. 244, § 3 did not change this section as it existed prior thereto. See post, § 3044u, and notes thereunder

See, also, ante, § 2123a.

§ 2126.

For mileage allowances to officers of the Army, see ante, § 2089a (11). For money allowance in lieu of transportation in kind, see ante, § 2089a (12).

§ 2126b. Travel expenses; enlisted men incident to entry on or relief from active duty—In the discretion of the Secretary of War, and under such regulations as he may prescribe, travel pay at the rate now prescribed by law for discharged soldiers may be given to all enlisted men for whom the law authorizes travel allowances as an incident to their en-

try upon and relief from active duty with the Army. (July 9, 1918, c. 143, 40 Stat 860)

From the Army appropriation act for the year 1919, cited above

§ 2126c. Same; Army officers and contract surgeons traveling by air on duty without troops—Hereafter actual and necessary expenses only, not to exceed $8 per day, shall be paid to officers of the Army and contract surgeons when traveling by air on duty without troops, under competent orders (July 11, 1919, c 8, 41 Stat. 109)

From the Army appropriation act for the year 1920, cited above

§ 2126d. Travel allowance to discharged prisoners and persons discharged from Government Hospital for Insane—Army transportation: For transportation of * * discharged prisoners and persons discharged from Saint Elizabeth's Hospital after transfer thereto from the military service to their homes (or elsewhere as they may elect): Provided, That the cost in each case shall not be greater than to the place of last enlistment. * * (June 30, 1922, c. 253, title I, 42 Stat. 729 March 2, 1923, c 178, title I, 42 Stat 1390 June 7, 1924, c. 291, title I, 43 Stat 486. Feb. 12, 1925, c. 225, title I, 43 Stat 901.)

From the War Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts.

§ 2136aa. Transportation of mounts of deceased officers—Hereafter, under such regulations as the Secretary of War may prescribe, authorized mounts of officers who die in the service may, within ninety days after the death of the officer, be transported at public expense from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors, or such mount may be disposed of as directed by such representatives or executors (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

From the Army appropriation act for the year 1919, cited above.

§ 2136b. Transportation of mounts of officers ordered for duty to Alaska or overseas—Hereafter, under such regulations as the Secretary of War may direct, the authorized horses of mounted officers ordered for duty over the seas or to Alaska may be transported at public expense to remount depots or elsewhere in the United States for safekeeping during the absence of such officers. (July 9, 1918, c. 143, 40 Stat. 859.)

From the Army appropriation act for the year 1919, cited above

§ 2136c. Transportation of baggage of deceased civilian employés—Hereafter, under such regulations as the Secretary of War may prescribe, transportation at public expense may be provided for the baggage of civilian employees who die in the service from their last duty station to such places within the limits of the United States as may be the home of their families, or as may be designated by their legal representatives or executors. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

From the Army appropriation act for the year 1919, cited above.

§ 2136d. Transportation of wounded and disabled soldiers, sailors, or marines traveling on furlough—The Secretary of War and the Secretary of the Navy, under such regulations and restrictions as they may provide, are hereby authorized to issue to all wounded and otherwise disabled soldiers, sailors, or marines under treatment in any Army, Navy, or other hospital, who are given furloughs at any time, a furlough certificate, which certificate shall be signed by the commanding officer at such hospital. This furlough certificate when presented by such furloughed soldier, sailor, or marine to the agent of any railroad or steamship company over whose lines said soldier, sailor, or marine may travel to and from his home during the furlough period shall entitle said soldier, sailor, or marine to purchase a ticket from the point of departure to point of destination and return at the rate of 1 cent per mile, and on presentation of such certificate on which such ticket has been issued the railroad or steamship company issuing such ticket shall be entitled to receive from the Treasury of the United States the difference between the amount paid for such ticket at the rate of 1 cent per mile and the regular scheduled rate for such ticket. The sum of $250,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this paragraph. (June 5, 1920, c 240, 41 Stat. 975)

From the Army appropriation act for the year 1921, cited above

§ 2144a. Pay of military telegraphers—Enlisted men who are now qualified, or who may hereafter qualify, as expert military telegraphers, shall receive $5 a month; as first-class military telegraphers $3 a month, as military telegraphers $2 a month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named. (June 3, 1916, c. 134, § 28, 39 Stat 186, amended, July 9, 1918, c. 143, subchapter XVII, § 5, 40 Stat. 890, and June 4, 1920, c. 227, subchapter I, § 28, 41 Stat. 775.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 28, cited above, by striking out the original section, with the exception of the proviso added by Act July 9, 1918, c 143, subchapter XVII, § 5. Said section originally read as follows.

"Hereafter the monthly pay of enlisted men of certain grades of the Army created in this Act shall be as follows, namely Quartermaster sergeant, senior grade, Quartermaster Corps, master hospital sergeant, Medical Department, master engineer, senior grade, Corps of Engineers, and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75, hospital sergeant, Medical Department, and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50, sergeant, first class, Corps of Engineers, regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers, battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40, musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers, supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers, sergeant Medical Department, $36, supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department, horseshoer, Infantry, Cavalry, Artillery Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps, and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30, musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department, mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department, and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21, private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15. Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army. Provided, That enlisted men who are now qualified, or who may hereafter qualify, as expert military telegraphers, shall receive $5 a month; as first-class military telegraphers, $3 a month; as military telegraphers, $2 a month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named."

§ 2145. [Repealed.]

This section (Act May 11, 1908, c 163, 35 Stat. 109) was probably repealed by Act June 3, 1916, c. 134, § 4 [4b], as amended by Act June 4, 1920, c. 227, subchapter I, § 4, 41

Stat. 761, reading as follows: "Existing laws providing for continuous service pay are repealed to take effect July 1, 1920, and thereafter enlisted men shall receive an increase of 10 per centum of their base pay for each five years of service in the Army, or service, which by existing law is held to be the equivalent of Army service, such increase not to exceed 40 per centum." And by a part of Act June 3, 1916, c 134, § 27, 39 Stat 185, as amended by Act June 4, 1920, c 227, subchapter I, § 27, 41 Stat 775, reading as follows "Existing laws providing for the payment of three months' pay to certain soldiers upon reenlistment are hereby repealed, and hereafter an enlistment allowance equal to three times the monthly pay of a soldier of the seventh grade shall be paid to every soldier who enlists or reenlists for a period of three years, payment of enlistment allowance for original enlistment to be deferred until honorable discharge"

This last provision was also repealed by Act June 30, 1921, c. 33, § 1, 42 Stat. 74, reading as follows "The provisions of section 27 of the Army Reorganization Act, approved June 4, 1920, providing an enlistment allowance, are hereby repealed"

See ante, §§ 1891a, 1891aa, and notes thereunder, and ante, note to § 1717b.

For enlistment and reenlistment allowances, see ante, § 2089a (9).

§§ 2154, 2155.

Continuous service pay laws repealed See ante, notes to § 2145

§ 2158.

All extra duty pay laws were repealed by Act June 3, 1916, c 134, § 4 [4b], as amended by Act June 4, 1920, c 227, subchapter I, § 4, 41 Stat 761, reading as follows "All laws and parts of laws providing for extra duty pay for enlisted men are repealed, to take effect July 1, 1920" See note to § 1717b, ante See, also, ante, § 1891aa

§§ 2159-2161a.

Extra duty pay laws repealed See ante, note to § 2158.

§ 2161b. Increased pay; warrant officers—Hereafter warrant officers shall receive the same increase of pay for service beyond the continental limits of the United States as is allowed to commissioned officers of the Army. (July 11, 1919, c. 8, 41 Stat. 112)

From the Army appropriation act for the year 1920, cited above

§ 2162aa. Pay and allowances during captivity—Members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employees of the Army, shall be entitled to full pay and allowances during any period of involuntary captivity by the enemy of the United States, and their right to such full pay and allowances shall not be abridged or lost by reason of absence from duty when that absence is caused by involuntary captivity by the enemy of the United States. Any captivity by the enemy shall be construed to be involuntary until the contrary shall be affirmatively established.

All rights and privileges hereunder shall be in force from April sixth, nineteen hundred and seventeen, to the end of the existing war. (March 3, 1919, c. 112, 40 Stat. 1321.)

This section is an act entitled "An act granting to members of the Army Nurse Corps (female) and Navy Nurse Corps (female), Army field clerks, field clerks, Quartermaster Corps, and civil employés of the Army pay and allowances during any period of involuntary captivity by the enemy of the United States," cited above.

§ 2162b. Withholding pay—The pay due enlisted men of the Army shall not be withheld from them by reason of the fact that their service records or other official papers showing the status of their accounts with respect to pay have been lost or not returned from overseas and, under such regulations as may be prescribed by the Secretary of War, these men may be paid upon their personal affidavit as to date of last payment and condition of their accounts: Provided further, That payments made in accordance with such regulations (or which have already been made upon the affidavit of the soldier) shall be passed by the accounting officers of the Treasury to the credit of the disbursing officers making them. (July 11, 1919, c. 8, 41 Stat. 110.)

From the Army appropriation act for the year 1920, cited above.

§ 2164. Travel allowances on discharge—Hereafter an enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service. Provided, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed. Provided further, That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment (June 3, 1916, c 134, § 126, 39 Stat. 217, amended, Feb. 28, 1919, c 70, § 3, 40 Stat. 1205, and Sept 22, 1922, c. 409, 42 Stat. 1021)

This section was amended by Act Feb 28, 1919, c. 70, § 3, cited above, to read as follows: "An enlisted man honorably discharged from the Army, Navy, or Marine Corps since November eleventh, nineteen hundred and eighteen, or who may hereafter be honorably discharged, shall receive five cents per mile from the place of his discharge to his actual bona fide home or residence, or original muster into the service, at his option: Provided, That for sea travel on discharge, transportation and subsistence only shall be furnished to enlisted men: Provided, That naval reservists duly enrolled who have been honorably released from active service since November eleventh, nineteen hundred and eighteen, or who may hereafter be honorably released from active service, shall be entitled likewise to receive mileage as aforesaid."

Prior to this amendment said section read as follows "On and after July first, nineteen hundred and sixteen, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option Provided, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men." Section 4 of said Act Feb 28, 1919, c. 70, repeals all inconsistent acts and parts of acts. It was again amended by Act Sept. 22, 1922, c. 409, cited above, to read as set forth above.

§ 2164aa. Travel allowance on discharge; men discharged for reenlistment—Those enlisted men of the Army who enlisted in the Regular Army prior to April 2, 1917, and who have accepted or may accept their discharge from such enlistment in order to reenlist under the terms of the Act entitled "An Act to authorize the resumption of voluntary enlistment in the Regular Army, and for other purposes," approved February 28, 1919, shall upon such discharge receive travel pay at the rate provided in the Act entitled "An Act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," approved February 28, 1919, from the place of such discharge to their actual bona fide home or residence or original muster into the service, as they may elect. (Sept. 20, 1919, c. 70, 41 Stat. 291.)

This section is a part of a resolution entitled a "Joint Resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917," cited above.

For Act Feb. 28, 1919, c. 70, § 3, mentioned in this section, see ante, § 2164.

§ 2164aaa. Same; construction of § 2164—Section 126 of the Act entitled "An Act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by section 3 of an Act entitled "An Act permitting any person who has served in the

United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," approved February 28, 1919, shall be held to apply to any enlisted man for whom the law authorizes travel allowances as an incident to entry upon and relief from active duty with the Army who has been called into active service during the present emergency, or who shall hereafter be called into active service (Sept 29, 1919, c. 65, 41 Stat 288)

This is an act entitled "An act to provide travel allowances for certain retired enlisted men and Regular Army reservists," cited above
See note to § 2164aa, ante

§ 2165. Allowances on death of officer or enlisted man of regular army—Hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army or on the retired list when on active duty, the Quartermaster General of the Army shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of War shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the army. (Dec 17, 1919, c. 6, § 1, 41 Stat 367.)

This section, and the section next following, are an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or diseases not the result of his own misconduct," cited above
This act supersedes Act May 11, 1908, c. 163, 35 Stat. 108, as amended by Act March 3, 1909, c 252, 35 Stat 735.

§ 2165a. Same; application of section 2165—Nothing in this Act shall be construed as making the provisions of this Act applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army, and nothing in this Act shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Army. (Dec. 17, 1919, c. 6, § 2, 41 Stat. 367.)

See ante, § 2165, and note thereunder.

§ 2165aa. Allowance to officer or enlisted man on discharge or placing on reserve list—All persons serving in the military or naval forces of the United States during the present war who have, since April 6, 1917, resigned or been discharged under honorable conditions (or, in the case of reservists, been placed on inactive duty), or who at any time hereafter (but not later than the termination of the current enlistment or term of service) in the case of the enlisted personnel and female nurses, or within one year after the termination of the present war in the case of officers, may resign or be discharged under honorable conditions (or, in the case of reservists, be placed on inactive duty), shall be paid, in addition to all other amounts due them in pursuance of law, $60 each.

This amount shall not be paid (1) to any person who though appointed or inducted into the military or naval forces on or prior to November 11, 1918, had not reported for duty at his station on or prior to such date; or (2) to any person who has already received one month's pay under the provisions of section 9 of the Act entitled "An Act to authorize the President to increase temporarily the military establishment of the United States," approved May 18, 1917; or (3) to any person who is entitled to retired pay; or (4) to the heirs or legal representatives of any person entitled to any payment under this section who has died or may die before receiving such payment. In the case of any person who subsequent to separation from the service as above specified has been appointed or inducted into the military or naval forces of the United States and has been or is again separated from the service as above specified, only one payment of $60 shall be made.

The above amount, in the case of separation from the service on or prior to the passage of this Act, shall be paid as soon as practicable after the passage of this Act, and in the case of separation from the service after the passage of this Act shall be paid at the time of such separation.

The amounts herein provided for shall be paid out of the appropriations for "pay of the Army" and "pay of the Navy," respectively, by such disbursing officers as may be designated by the Secretary of War and the Secretary of the Navy.

The Secretary of War and the Secretary of the Navy respectively shall make all regulations necessary for the enforcement of the provisions of this section (Feb 24, 1919, c. 18, § 1406, 40 Stat. 1151.)

This section is § 1406 of the Revenue Act of 1918 (Title XIV—General Provisions), cited above
Act May 18, 1917, § 9, referred to in this section, is Act May 18, 1917, c 15, § 9 (U S Comp St, 1918, § 2044i)

§ 2165aaa. Allowance to enlisted men discharged for reenlistment—In case any enlisted man has been or hereafter shall be discharged for the purpose of reenlisting in the Regular Army, he shall be entitled to the payment of $60 as provided in section 1406 of the Act entitled "An Act to provide revenue, and for other purposes," approved February 24, 1919. (Sept. 29, 1919, c. 70, 41 Stat. 291)

This section is a part of a resolution entitled a "Joint Resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917," cited above
For Act Feb. 24, 1919, c. 18, § 1406, mentioned in this section, see ante, § 2165aa

§ 2165aaaa. Restriction on allowances on death of officer or enlisted man of regular army.—None of the funds herein, heretofore, or hereafter appropriated shall be used for payment of the six months' pay (authorized by the Act of December 17, 1919, to be paid to certain specified beneficiaries of officers or enlisted men of the Regular Army who died from wounds or disease not the result of their own misconduct) to any married child or unmarried child over twenty-one years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man. (March 2, 1923, c. 178, title I, 42 Stat. 1385.)

From the War Department appropriation act for the year 1924, cited above.
For Act Dec. 17, 1919, c. 6, see ante, §§ 2165, 2165a

§ 2165b. Allowance and travel pay to enlisted or enrolled men of Navy or Marine Corps discharged for purpose of reenlistment—In case any enlisted man or enrolled man who, since the 11th day of November, 1918, has been or hereafter shall be discharged from any branch or class of the naval service for the purpose of reenlisting in the Navy or Marine Corps or heretofore has extended or hereafter shall extend his enlistment therein, he shall be entitled to the payment of the $60 bonus provided in section 1406 of the Act entitled "An Act to provide revenue, and for other purposes," approved February 24, 1919, and to travel pay as authorized in section 3 of the Act entitled "An Act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919: Provided, That only one bonus shall be paid

to the same person. (June 4, 1920, c. 228, § 6, 41 Stat. 836.)

This section is § 6 of the Naval appropriation act for the year 1921, cited above

For Act Feb. 24, 1919, c 18, § 1406, and Act Feb 28, 1919, c 70, § 3, referred to in this section, see ante, §§ 2165aa, and and 2164

§ 2174a. Commutation of rations to enlisted men of Regular Army and National Guard competing in national rifle matches—The sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard while competitors in the national rifle match Provided further, That no competitor shall be entitled to commutation of rations in excess of $1 50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. (June 30, 1922, c. 253, title I, 42 Stat 726 March 2, 1923, c. 178, title I, 42 Stat 1387. June 7, 1924, c. 291, title I, 43 Stat. 483 Feb 12, 1925, c 225, title I, 43 Stat. 898.)

From the War Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 2178a. Settlement of clothing accounts of enlisted men—Hereafter the settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War. (June 30, 1921, c 33, § 1, 42 Stat. 82, amended, March 8, 1922, c. 99, 42 Stat. 418.)

This section was amended by Act March 8, 1922, c 99, 42 Stat 418, cited above No change was made by this amendment, which consists solely in changes in another part of the paragraph of the army appropriation act from which this section was taken, making appropriations only.

§ 2178b. Commutation in lieu of uniforms—* * And to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War. * * (June 7, 1924, c. 291, title I, 43 Stat. 507. Feb. 12, 1925, c. 225, title I, 43 Stat. 922.)

From the War Department appropriation act for the year 1926, cited above The same provision is contained in prior acts.

§ 2196a. Clothing for soldiers discharged otherwise than honorably—For a suit of citizen's outer clothing and where necessary an overcoat, the cost of all not to exceed $30, to be issued to each soldier discharged otherwise than honorably. * * (June 30, 1922, c. 253, title I, 42 Stat 729. March 2, 1923, c. 178, title I, 42 Stat 1389. June 7, 1924, c. 291, title I, 43 Stat 485. Feb 12, 1925, c. 225, title I, 43 Stat. 900.)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts.

§ 2196aa. Donation to dishonorably discharged prisoners—A donation of $10 to each prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge. * * (June 30, 1922, c. 253, title I, 42 Stat. 729. March 2, 1923, c 178, title I, 42 Stat. 1389. June 7, 1924, c. 291, title I, 43 Stat. 486. Feb. 12, 1925, c. 225, title I, 43 Stat. 900.)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts.

§ 2196b. Sales of clothing and quartermaster supplies—Hereafter authorized sales of clothing and other quartermaster supplies shall be at the average current prices, plus all overhead costs, to be determined and fixed by the Secretary of War. (June 30, 1922, c 253, title I, 42 Stat. 729.)

From the War Department appropriation act for the year 1923, cited above.

§ 2205a. Valuation of foreign moneys paid out by disbursing officers—For payment of exchange by officers serving in foreign countries and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department when serving in Alaska and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury * * (June 30, 1922, c. 253, title I, 42 Stat. 724 March 2, 1923, c. 178, title I, 42 Stat 1385 June 7, 1924, c 291, title I, 43 Stat 482 Feb 12, 1925, c. 225, title I, 43 Stat 897)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

Chapter Four—The Military Academy

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat. 919, contains the following provision "That the funds appropriated herein for the United States Military Academy may be expended without advertising when in the opinion of the responsible constructing officer and the superintendent it is more economical and advantageous to the Government to dispense with advertising." Said act also contains the following provision "All of the money heretofore appropriated for pay of the Military Academy shall be disbursed and accounted for as pay of the Military Academy, and for that purpose shall constitute one fund."

§ 2207a. Quarters for civilian instructors in departments of modern languages and tactics—The civilian instructors employed in the departments of modern languages and tactics shall be entitled to public quarters, fuel, and light. (June 30, 1922, c 253, title I, 42 Stat. 751. March 2, 1923, c. 178, title I, 42 Stat. 1412 June 7, 1924, c. 291, title I, 43 Stat. 504. Feb. 12, 1925, c. 225, title I, 43 Stat. 919.)

From the War Department appropriation act for the year 1923, cited above The same provision is contained in prior acts.

§ 2219.

For pay of Chaplain, see Act Feb. 12, 1925, c. 225, title I, 43 Stat. 918

§ 2219a.

For pay of organist, see Act Feb. 12, 1925, c. 225, title I, 43 Stat 918.

§ 2229a. Course of instruction—The course of instruction at the United States Military Academy shall be four years. (March 30, 1920, c. 112, 41 Stat. 548.)

This section, and the section next following, are provisions of the Military Academy appropriation act for the fiscal year 1921, cited above.

§ 2229b. Extension of term one year—Any cadet now at the academy may, at his option exercised prior to June 11, 1920, continue at the academy one additional year and postpone thereby his prospective graduation. Any cadet not electing so to prolong his course shall be graduated in the year assigned his class prior to the passage of this Act, except that any such cadet may subsequently, at any time not less than three months prior to his prospective graduation in such year, choose to reexercise such option for the purpose of so prolonging his course. (March 30, 1920, c. 112, 41 Stat. 548, amended, Feb. 25, 1922, c. 77, 42 Stat. 397.)

This section was amended by act Feb. 25, 1922, c. 77, 42 Stat. 397, cited above, by adding at the end thereof the matter beginning "except that any such cadet may subsequently," etc. Similar provisions are contained in prior acts. See note to § 2229a, ante.

§ 2230c. Cadets; number and appointment—The Corps of Cadets of the United States Military Academy shall hereafter consist of two from each congressional district, two from each Territory, four from the District of Columbia, two from natives of Porto Rico, four from each State at large, and eighty-two from the United States at large, twenty of

whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as "honor schools," upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department, and two of whom shall be selected from persons recommended by the Vice President They shall be appointed by the President and shall, with the exception of the eighty-two appointed from the United States at large, be actual residents of the congressional or territorial district, or of the District of Columbia, or of the Island of Porto Rico, or of the States, respectively, from which they purport to be appointed (July 9, 1918, c 143, subchapter XXII, 40 Stat 894.)

From the Army appropriation act for the year 1919, cited above

§ 2239. Cadets; age of appointees—Appointees shall be admitted to the academy only between the ages of seventeen and twenty-two years, except in the following case That during the calendar years 1919, 1920 and 1921 any appointee who has served honorably and faithfully not less than one year in the armed forces of the United States or allied armies in the late war with Germany, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years Provided, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor. (R. S. § 1318, amended, March 30, 1920, c. 112, 41 Stat 548)

For this section prior to the amendment by Act March 30, 1920, c 112, see U S. Comp St 1918, § 2239.

§ 2266.

See post, § 2266a.

§ 2266a. Cadets; pay and allowances—Cadets at the Military Academy and cadets and cadet engineers of the Coast Guard shall receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy. (June 10, 1922, c 212, § 19, 42 Stat. 632.)

This section is § 19 of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above. See note to § 2089a (1), ante.

§ 2266b. Credit to cadets for clothing and equipment issue—Hereafter each new cadet shall, upon admission to the United States Military Academy, be credited with the sum of $250 to cover the cost of his initial clothing and equipment issue, to be deducted subsequently from his pay. (June 30, 1921, c. 33, § 1, 42 Stat. 95.)

From the Army appropriation act for the year 1922, cited above

§ 2267a. Cadets; rations; commutations—For payments Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of $1 08 per ration. (June 30, 1921, c. 33, § 1, 42 Stat. 77.)

From the Army appropriation act for the year 1922, cited above. This provision is contained in prior acts.

§ 2270. Band—The Military Academy Band shall hereafter consist of one teacher of music, who shall be the leader of the band, one enlisted band sergeant and assistant leader, and of fifty enlisted musicians. The teacher of music shall receive the pay and have the rank of a first lieutenant, not mounted; the enlisted band sergeant and assistant leader shall receive $972 per year; and of the enlisted musicians of the band, fifteen shall each receive $51 per month, fifteen shall receive $44 per month, and the remaining twenty shall each receive $38 per month, and each of the aforesaid enlisted men shall also be entitled to the clothing, fuel, rations, and other allowances of musicians of the Regular Army, and the said teacher of music, the band sergeant and assistant leader, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other officers or enlisted men of the Army (R S. § 1111, amended, March 2, 1901, c 804, 31 Stat 912, March 3, 1905, c 1404, 33 Stat 853, and June 27, 1918, c 108, 40 Stat 623)

This section was again amended by Act June 27, 1918, c 108, cited above, to read as set forth above.

§ 2273a. Retirement of "order and purchasing clerk"—The clerk now holding the position of "order and purchasing clerk" in the quartermaster's office shall, on his own application, after fifty years in the military and civil service of the United States, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service. (June 27, 1918, c 108, 40 Stat 623)

From the Military Academy appropriation act for the year 1919, cited above

§ 2275a. Battalion sergeant major; rank, pay, and allowances—For pay of one battalion sergeant major, Infantry, * * * Provided, That the enlisted man at headquarters, United States Military Academy, performing that duty shall have the rank, pay, and allowance of that grade. (March 4, 1919, c. 124, 40 Stat. 1339)

From the Military Academy appropriation act for the year 1920, cited above A similar provision is contained in prior appropriation acts

§ 2275b. Regimental sergeant major; rank, pay, and allowances—For pay of one regimental sergeant major, Infantry, * * *: Provided, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade. (March 30, 1920, c. 112, 41 Stat. 542.)

From the Military Academy appropriation act for the year 1921, cited above A similar provision is contained in prior acts.

§ 2275bb. Warrant officer on duty at headquarters—For pay of one warrant officer, to be on duty in the headquarters, United States Corps of Cadets. * * (June 30, 1921, c. 33, § 1, 42 Stat. 97)

From the Army appropriation act for the year 1922, cited above, under the heading "United States Military Academy"

§ 2275c. Sergeants, Coast Artillery—For pay of four sergeants (Coast Artillery) to be used as assistant noncommissioned instructors of cadets and for the purpose of military administration, to be attached to the United States Military Academy detachment of Field Artillery. * * (March 4, 1919, c. 124, 40 Stat. 1339.)

From the Military Academy appropriation act for the year 1920, cited above It has been repeated in prior appropriation acts

§ 2275cc. Staff sergeants on duty at headquarters—For pay of two staff sergeants, to be on duty in the headquarters, United States Corps of Cadets, at $45 each per month, and additional pay for length of service. * * (June 30, 1921, c. 33, § 1, 42 Stat. 97.)

From the Army appropriation act for the year 1922, cited above, under the heading "United States Military Academy."

§ 2275d.

Extra duty pay laws (including this section, Act June 27, 1918, c. 108, 40 Stat. 631) repealed. See ante, § 2158.

§ 2278a. Sale of machinery, apparatus, or supplies—Hereafter, when any machinery, apparatus implements, supplies, or materials which have been heretofore or may hereafter be purchased or acquired from appropriations made for the support of the United States Military Academy are no longer needed or are no longer serviceable, they may be sold in such manner as the superintendent may direct; and that the proceeds shall be turned into the Treasury as miscellaneous receipts. (March 4, 1919, c. 124, 40 Stat. 1347.)

This section is a part of the Military Academy appropriation act for the fiscal year 1920, cited above

§ 2278b. Materials for buildings; tools and material for instruction of cadets—The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of buildings; also surplus tools and material required for use in the instruction of cadets at the academy. (June 30, 1922, c. 253, title I, 42 Stat. 754. March 2, 1923, c. 178, title I, 42 Stat. 1416. June 7, 1924, c 291, title I, 43 Stat 505. Feb 12, 1925, c 225, title I, 43 Stat. 919.)

From the War Department appropriation act for the year 1926, cited above This provision is contained in prior acts

§ 2278c. Leave of absence to constructing quartermaster—The constructing quartermaster, United States Military Academy, is hereby exempted from all laws and regulations relative to employment and to granting leaves of absence to employees with pay while employed on construction work at the Military Academy. (June 30, 1922, c. 253, title I, 42 Stat. 754. March 2, 1923, c. 178, title I, 42 Stat. 1416. June 7, 1924, c. 291, title I, 43 Stat. 505. Feb. 12, 1925, c. 225, title I, 43 Stat. 919.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 2280b. Disbursement of and accounting for certain funds—For the purpose of accounting only, all funds hereinbefore appropriated under the titles "Current and ordinary expenses," "Miscellaneous items and incidental expenses," and "Buildings and grounds," shall be disbursed and accounted for by the disbursing officer, United States Military Academy, as "Maintenance, United States Military Academy," and for that purpose shall constitute one fund. (March 30, 1920, c. 112, 41 Stat. 547.)

From the Military Academy appropriation act for the year 1921, cited above. A similar provision is contained in prior acts.

Said act also contains the following provision: "All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by the disbursing officer of the United States Military Academy as pay of the Military Academy, and for that purpose shall constitute one fund."

§ 2282a. Hotel at Reservation—The Secretary of War is hereby authorized to lease land on the United States Military Reservation at West Point, for a term of not exceeding fifty years, to any corporation, company, or individual, upon which to erect a hotel, and all other necessary buildings in connection therewith, in accordance with plans and specifications submitted to and recommended by the Superintendent of the Military Academy, and approved by the Secretary of War. Said lease shall contain such conditions, terms, reservations and covenants, as may be agreed upon and shall also provide for just compensation to the lessees for the construction of said hotel, appurtenances, and equipments, to be paid to said lessees at the termination of said lease. (March 4, 1919, c. 124, 40 Stat. 1348, amended, March 30, 1920, c. 112, 41 Stat. 548.)

Chapter Four A—Military Instruction in Educational Institutions

§ 2289a. Military equipment and instructors at other schools and colleges—The Secretary of War is hereby authorized, under such regulations as he may prescribe, to issue such arms, tentage, and equipment as he shall deem necessary for proper military training to schools and colleges, other than those provided for in section 40 of this Act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years, and the Secretary of War is hereby authorized to detail such available active or retired officers, warrant officers, and enlisted men of the Regular Army as he may deem necessary to said schools and colleges, other than those provided for in section 40 of this Act Provided, That while so detailed they shall receive active pay and allowances: Provided further, That in time of peace retired officers, warrant officers, or enlisted men shall not be detailed under the provisions of this section without their consent (June 3, 1916, c. 134, § 56 [box], added, June 4, 1920, c. 227, subchapter I, § 35, 41 Stat 780.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 35, cited above. For this section prior to this amendment see U S. Comp. St. 1918, § 2289a. See note to § 1892e, ante.

For current appropriation for military supplies and equipment for schools and colleges, see Act Feb. 12, 1925, c. 225, title I, 43 Stat 923.

See Act March 3, 1925, c 411, ante §§ 1881d(3)-1881d(7), defining the status of retired officers of the Army and the Philippine Scouts detailed for duty at educational institutions for purposes of promotion and computation of longevity pay.

Chapter Four B—Desertions

§ 2296a. Reward for arrest of deserters or escaped military prisoners—For the apprehension, securing and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses. (June 30, 1922, c. 253, title I, 42 Stat. 729. March 2, 1923, c. 178, title I, 42 Stat. 1389. June 7, 1924, c 291, title I, 43 Stat. 485. Feb. 12, 1925, c. 225, title I, 43 Stat. 900.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2307a. Charge of desertion; entry on rolls and records relieving from; effect—In all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion now standing against him on the rolls and records of the Army, Navy, or Marine Corps has since such charge was entered served honorably in the World War, either in the military or naval forces of the Allies or in the Army, Navy, or Marine Corps or in other branches of the military service of the United States prior to November 11, 1918, the President is hereby authorized, in his discretion, to cause an entry to be made on said rolls and records of the Army, Navy, or Marine Corps, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: Provided, That nothing

contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind or to a pension for any service rendered prior to the World War. (March 4, 1925, c 536, § 2, 43 Stat 1270)

This section is section 2 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Five—Articles of War

This chapter of Title 14, as enacted in the Revised Statutes of 1878, consisted of sections 1342 and 1343 thereof, section 1342 containing the Articles of War, and section 1343 defining and punishing the offense of spying Section 1342, as so enacted, was amended as follows Article 17, by Act July 27, 1892, c 272, § 1, 27 Stat 277, article 26, by Act Feb 27, 1877, c 69, § 1, 19 Stat 244, article 38, by Act Feb 18, 1875, c 80, § 1, 18 Stat 318, and by Act Feb 27, 1877, c 69, § 1, 19 Stat 244, article 60, by Act March 2, 1901, c 809, § 5, 31 Stat 951, article 84, by Act July 27, 1892, c 272, § 1, 27 Stat 277, article 103, by Act April 11, 1890, c 78, 26 Stat 54, article 104, by Act July 27, 1892, c 272, § 1, 27 Stat. 277, article 122, by Act March 3, 1910, c 88, § 1, 36 Stat 234, and article 124, by Act March 3, 1910, c 88, § 1, 36 Stat 234 Article 72 of said section 1342, as amended by Act July 5, 1884, c. 224, 23 Stat 121 was repealed by Act March 2, 1913, c 93, 37 Stat 723, article 73 was repealed by Act March 2, 1913, c 93, 37 Stat 723, article 75 was repealed by Act March 2, 1913, c. 93, 37 Stat 723, article 80 was repealed by Act June 18, 1898, c 469, § 2, 30 Stat 484, article 81 was repealed by Act March 2, 1913, c 93, 37 Stat 723, article 82, as amended by Act Feb 18, 1875, c. 80, § 1, 18 Stat 318, was repealed by Act March 2, 1913, c. 93, 37 Stat 723, article 83, as amended by Act March 2, 1901, c 809, § 4, 31 Stat 951, was repealed by Act March 2, 1913, c 93, 37 Stat 723, and article 123 was repealed by Act March 3, 1910, c 88, § 2, 36 Stat. 235 Other provisions connected with the subject-matter of this chapter were contained in Act Oct 1, 1890, c 1259, 26 Stat 648, as amended by Act June 18, 1898, c 469, § 1, 30 Stat. 483, but said Act Oct 1, 1890, c 1259, as amended, was repealed by Act March 2, 1913, c. 93, 37 Stat 723 As carried into the Compilation of 1913, this chapter consisted of said section 1342, as amended, and said section 1343, together with R S. §§ 1202, 1203, relating to witnesses before courts-martial and reporters of military courts, and such other laws, still in force, as related to or were connected with the Articles of War. Such other laws were as follows A provision of Act March 3, 1877, c 102, § 1, 19 Stat 310, relating to the filing and preservation of regimental, garrison, and field officers, and courts-martial records, Act Sept. 27, 1890, c. 998, 26 Stat. 491, providing that punishments left to the discretion of courts-martial should not exceed certain limits, which might be prescribed by the President; Act July 27, 1892, c. 272, §§ 2-4, 27 Stat. 277, 278, requiring judge-advocates to withdraw from closed sessions of courts-martial, making fraudulent enlistments a military offense, punishable under the Articles of War, and enumerating the persons authorized to administer oaths for the purpose of administering military justice, etc , Act June 18, 1898, c. 469, §§ 3-5, 30 Stat. 483, providing for the remission or mitigation of sentences of summary courts, and providing that soldiers in confinement under sentence of dishonorable discharge should be subject to the Articles of War, Act March 2, 1901, c. 809, § 1, 31 Stat. 950, making disobedience to subpœnas of general courts-martial a misdemeanor, and fixing the punishment thereof; and provisions of Act March 2, 1913, c. 93, 37 Stat. 721, 722, making a classification of courts-martial providing for the appointment of general, special, and summary courts-martial, prescribing the powers of general, special, and summary courts-martial, and limiting the punitive powers of special and summary courts-martial Subsequent provisions connected with this chapter were contained in Act April 27, 1914, c. 72, 38 Stat. 354, providing that the reviewing authority might suspend the execution of a sentence of dishonorable discharge until the soldier's release from confinement, but that the order of suspension might be vacated at any time, and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command in which the soldier was held, or by the Secretary of War. Section 3 of the Army appropriation act for the fiscal year 1917, Act Aug. 29, 1916, c. 418, 39 Stat. 650, amended said R S. § 1342, by substituting therefor a complete set of Articles of War Said Act Aug. 29, 1916, c. 418, § 3, also superseded all of the above-mentioned laws contained in the Compilation of 1913, by including their provisions in the new Articles of War, thus leaving the Articles of War enacted thereby as the present law on that subject. But by section 4 of said Act Aug. 29, 1916, c. 418, 39 Stat. 670, it was provided that said section 3 should be in force on and after March 1, 1917, with the exception of articles 4, 13-15, 29, 47, 49, and 92, which were to take effect immediately upon the approval of the act. Section 5 of said Act Aug. 29, 1916, c. 418, 39 Stat. 670, provided that all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of said act, under any law embraced in or modified, changed or repealed by said act, might be prosecuted, punished, and enforced in the same manner and with the same effect as if said act had not been passed. Section 6 of said Act Aug 29, 1916, c 418, 39 Stat. 670, repealed all laws and parts of laws inconsistent with said act The effect, therefore, of the above enumerated legislation was to make said Act Aug 29, 1916, c 418, § 3, the law on the subjects embraced in this chapter, on and after March 1, 1917, repealing, either by express amendment or by implication, all prior laws relating to military offenses and the punishment thereof, hitherto contained in this chapter, on and after said date, except said articles 4, 13-15, 29, 47, 49, and 92, which take effect immediately, superseding at once all the provisions of other law embraced therein and inconsistent therewith These new articles were set forth in U S Comp St, 1916 and 1918 Editions as §§ 2308a-2308d Article 50 of these articles was again amended by Act Feb 28, 1919, c 81, 40 Stat 1211, article 52 was amended by Act July 9, 1918, c 143, subchapter X, 40 Stat 882, article 53 was amended by Act July 9, 1918, c 143, subchapter X, 40 Stat 883, article 57 was amended by Act July 9, 1918, c 143, subchapter X, 40 Stat 883, article 112 was amended by Act July 9, 1918, c 143, subchapter X, 40 Stat 883, and by Act Nov 19, 1919, c 112, 41 Stat 356

Act June 4, 1920, c 227, 41 Stat 759, entitled "An act to amend 'An act for making further and more effectual provision for the national defense, and for other purposes', approved June 3, 1916, and to establish military justice," subchapter II, enacted a new and complete set of Articles of War, consisting of 121 Articles Section 2 of said subchapter II provides that the subchapter shall take effect and be in force eight months after the approval of the Act, except articles 2, 23, and 45, which are to take effect immediately Section 3 of said subchapter provides that all offenses committed and penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of said subchapter II, under any law embraced in or modified, changed, or repealed by said subchapter, may be prosecuted, punished, and enforced in the same manner and with the same effect as if the act had not been passed. Section 4 of said subchapter II repeals R S. § 1342 (see above), and also repeals all laws and parts of laws in so far as they are inconsistent with the act

These new Articles of War are set forth below as §§ 2308a-2308cc.

Art 50, as amended by Act Feb. 28, 1919, c. 81, 40 Stat. 1211, read as follows:

"The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence

"Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

"When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division may mitigate or remit, and order executed as mitigated or remitted, any sentence which under these articles requires the confirmation of the President before the same may be executed.

"The power of remission and mitigation shall extend to all uncollected forfeitures adjudged by sentence of a court-martial."

Art 52, as amended by Act July 9, 1918, c. 143, subchapter X, 40 Stat. 882, read as follows:

"The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted. The death or honorable discharge of a person under suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence."

Art. 53, as amended by act July 9, 1918, c. 143, subchapter X, 40 Stat 883, read as follows:

"When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary

Barracks, or any branch thereof, be directed by the Secretary of War"

Art 57, as amended by Act July 9, 1918, c. 143, subchapter X, 40 Stat 883, read as follows

"Every officer commanding a regiment, an independent troop, battery, or company, or a garrison shall, in the beginning of every month, transmit through the proper channels, to the Department of War an exact return of the same Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct"

Art 112, as amended by Act July 9, 1918, c 143, subchapter X, 40 Stat 883, read as follows

"In case of the death of any person subject to military law, the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors, and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to his son, daughter, father, mother, brother, or sister, in the order named, if such be found by said court, or to the beneficiary named by the deceased, if such be found by said court, and such court shall thereupon make to the War Department a full report of its transactions, but if there be none of the persons hereinabove named, or such persons or their addresses are not known to, or readily ascertainable by, said court, and the court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of the deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of the accounts of deceased officers and enlisted men of the Army.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment"

As amended by Act Nov. 19, 1919, c. 112, 41 Stat. 356, said art 112 read as follows:

"In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors, and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions, but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment."

§ 2308a. Articles of War—The articles included in this section shall be known as the Articles of War and shall at all times and in all places govern the armies of the United States (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 787)

I PRELIMINARY PROVISIONS

Article 1. Definitions—The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely

(a) The word "officer" shall be construed to refer to a commissioned officer,

(b) The word "soldier" shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

(c) The word "company" shall be understood as including a troop or battery; and

(d) The word "battalion" shall be understood as including a squadron. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 787.)

Art. 2. Persons subject to military law—The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: Provided, That nothing contained in this Act, except as specifically provided in Article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.

(a) All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks Quartermaster Corps, and soldiers belonging to the Regular Army of the United States, all volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft or order to obey the same;

(b) Cadets;

(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: Provided, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

(e) All persons under sentence adjudged by courts-martial;

(f) All persons admitted into the Regular Army Soldiers' Home at Washington, District of Columbia. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 787.)

II. COURTS-MARTIAL

Art. 3. Courts-martial classified—Courts-martial shall be of three kinds, namely:
First, general courts-martial,
Second, special courts-martial, and
Third, summary courts-martial (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 788)

A COMPOSITION

Art. 4. Who may serve on courts-martial—All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 788)

Art. 5. General courts-martial—General courts-martial may consist of any number of officers not less than five (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

Art. 6. Special courts-martial—Special courts-martial may consist of any number of officers—not less than three. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 788.)

Art. 7. Summary courts-martial—A summary court-martial shall consist of one officer. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

B. BY WHOM APPOINTED

Art. 8. General courts-martial—The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 788.)

Art. 9. Special courts-martial—The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 788)

Art. 10. Summary courts-martial—The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Provided, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 789)

Art. 11. Appointment of trial judge advocates and counsel—For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and a defense counsel and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary. Provided, however, That no officer who has acted as member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 789)

C. JURISDICTION

Art. 12. General courts-martial—General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals. Provided, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: Provided further, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

Art. 13. Special courts-martial—Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: Provided, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 789.)

Art. 14. Summary courts-martial—Summary courts-martial shall have power to try any person subject to military law, except an officer, a member of the Army Nurse Corps, a warrant officer, an Army field clerk, a field clerk Quartermaster Corps, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: Provided, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer com-

petent to bring them to trial before a general court-martial: Provided further, That the President may by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Summary courts-martial shall not have power to adjudge confinement in excess of one month, restriction to limits for more than three months, or forfeiture or detention of more than two-thirds of one month's pay. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 789)

Art. 15. Jurisdiction not exclusive—The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 790)

Art. 16. Officers, how triable—Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 790.)

D. PROCEDURE

Art. 17. Trial judge advocate to prosecute; counsel to defend—The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented in his defense before the court by counsel of his own selection, civil counsel if he is so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel of his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

Art. 18. Challenges—Members of a general or special court-martial may be challenged by the accused or the trial judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the trial judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge; but the law member of the court shall not be challenged except for cause (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

Art. 19. Oaths—The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God"

When the oath or affirmation has been administered to the members of a general or special court-martial the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form. "You, A B., do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God"

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God"

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form. "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God"

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath of affirmation in the following form. "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In the case of affirmation the closing sentence of adjuration will be omitted (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 790.)

Art. 20. Continuances—A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

Art. 21. Refusal or failure to plead—When an accused arraigned before a court-martial fails or refuses to plead, or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or when it appears to the court that he entered a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall proceed to trial and judgment as if he had pleaded not guilty. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

Art. 22. Process to obtain witnesses—Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

Art. 23. Refusal to appear or testify—Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United

States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: Provided, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses: Provided further, That every person not subject to military law, who before any court-martial, military tribunal, or military board, or in connection with, or in relation to any proceedings or investigation before it or had under any of the provisions of this act, is guilty of any of the acts made punishable as offenses against public justice by any provision of chapter 6 of the Act of March 4, 1909, entitled "An Act to codify, revise, and amend the penal laws of the United States" (volume 35, United States Statutes at Large, page 1088), or any amendment thereof, shall be punished as therein provided. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 791.)

Art. 24. Compulsory self-incrimination prohibited—No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

Art. 25. Depositions; when admissible—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: Provided, That testimony by deposition may be adduced for the defense in capital cases. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

Art. 26. Depositions; before whom taken—Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

Art. 27. Courts of inquiry; records of, when admissible—The record of the proceedings of a court of inquiry may, with the consent of the accused, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: Provided, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

Art. 28. Certain acts to constitute desertion—Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States, and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

This article cumulates prior articles 28 and 29.

Art. 29. Courts to announce action—Whenever the court has acquitted the accused upon all specifications and charges, the court shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 792.)

Art. 30. Closed sessions—Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw, and when their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

Art. 31. Method of voting—Voting by members of a general or special court martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon interlocutory questions, other than challenges, arising during the proceedings: Provided, That unless such ruling be made by the law member of the court if any member object thereto the court shall be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: And provided further, That if any such ruling be made by the law member of the court upon any interlocutory question other than an objection to the admissibility of evidence offered during the trial, and any member object to the ruling, the court shall likewise be cleared and closed and the question decided by a majority vote, viva voce, beginning with the junior in rank: Provided further, however, That the phrase, "objection to the admissibility of evidence offered during the trial," as used in the next preceding proviso hereof, shall not be construed to include questions as to the order of the introduction of witnesses or other evidence, nor of the recall of witnesses for further examination, nor as to whether expert witnesses shall be admitted or called upon any question, nor as to whether the court shall view the premises where an offense is alleged to have been committed, nor as to the competency of witnesses,

as, for instance, of children, witnesses alleged to be mentally incompetent, and the like, nor as to the insanity of accused, or whether the existence of mental disease or mental derangement on the part of the accused has become an issue in the trial, or accused required to submit to physical examination, nor whether any argument or statement of counsel for the accused or of the trial judge advocate is improper, nor any ruling in a case involving military strategy or tactics or correct military action, but, upon all these questions arising on the trial, if any member object to any ruling of the law member the court shall be cleared and closed and the question decided by majority vote of the members in the manner aforesaid (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 793)

Art. 32. Contempts—A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: Provided, That such punishment shall in no case exceed one month's confinement, or a fine of $100, or both. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 793)

Art. 33. Records; general courts-martial—Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one, in lieu of the trial judge advocate; otherwise by another member of the court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 793.)

Art. 34. Records; special and summary courts-martial—Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 794.)

Art. 35. Disposition of records; general courts-martial—The trial judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been acted upon, be transmitted to the Judge Advocate General of the Army. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794)

Art. 36. Disposition of records; special and summary courts-martial—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 794)

Art. 37. Irregularities; effect of—The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: Provided, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles Provided further, That the omission of the words "hard labor" in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 794)

Art. 38. President may prescribe rules—The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: Provided, That nothing contrary to or inconsistent with these articles shall be so prescribed. Provided further, That all rules made in pursuance of this article shall be laid before the Congress annually. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 791)

E LIMITATIONS UPON PROSECUTIONS

Art. 39. As to time—Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: Provided, That for desertion in time of peace or for any crime or offense punishable under articles ninety-three and ninety four of this code the period of limitations upon trial and punishment by court-martial shall be three years. Provided further, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: And provided further, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 794.)

Art. 40. As to number—No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

(a) An acquittal; or

(b) A finding of not guilty of any specification; or

(c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or

(d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any

particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795)

F. PUNISHMENTS

Art. 41. Cruel and unusual punishments prohibited—Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795)

Art. 42. Places of confinement; when lawful—Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States, of general application within the continental United States, excepting section 289, Penal Code of the United States, 1910, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is more than one year: Provided, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: Provided further, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: Provided further, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

Art. 43. Death sentence; when lawful—No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court-martial present at the time the vote is taken, and for an offense in these articles expressly made punishable by death; nor sentenced to life imprisonment, nor to confinement for more than ten years, except by the concurrence of three-fourths of all of the members present at the time the vote is taken. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 795.)

Art. 44. Cowardice; fraud; accessory penalty—When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

Art. 45. Maximum limits—Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: Provided, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed by the law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more other offenses (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 796)

G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY

Art. 46. Action by convening authority—Under such regulations as may be prescribed by the President every record of trial by general court-martial or military commission received by a reviewing or confirming authority shall be referred by him, before he acts thereon, to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 796)

Art. 47. Powers incident to power to approve—The power to approve the sentence of a court-martial shall be held to include:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt, and

(b) The power to approve or disapprove the whole or any part of the sentence.

(c) The power to remand a case for rehearing, under the provisions of article 50½. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796.)

Art. 48. Confirmation; when required—In addition to the approval required by article forty-six, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer.

(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division:

(c) Any sentence extending to the suspension or dismissal of a cadet; and

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 796)

Art. 49. Powers incident to power to confirm—The power to confirm the sentence of a court-martial shall be held to include:

(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence

of record requires a finding of only the lesser degree of guilt, and

(b) The power to confirm or disapprove the whole or any part of the sentence

(c) The power to remand a case for rehearing, under the provisions of article 50½. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 797.)

Art. 50. Mitigation or remission of sentences—The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence.

Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority, but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division, may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed

The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 797.)

Art. 50½. Review; rehearing—The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers of the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46, article 48, or article 51 is submitted to the President, such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall, except as herein otherwise provided, transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence When in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: Provided, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed injuriously affecting the substantial rights of the accused, unless, in accord with such action, and the recommendations of the Judge Advocate General thereon, the findings or sentence are approved in part only, or the record is returned for revision, or unless the case is dismissed by order of the reviewing or confirming authority. After any such rehearing had on the order of the President, the record of trial shall, after examination by the board of review, be transmitted by the Judge Advocate General, with the board's opinion and his recommendations, directly to the Secretary of War for the action of the President.

Every record of trial by general court-martial, examination of which by the board of review is not hereinbefore in this article provided for, shall nevertheless be examined in the Judge Advocate General's Office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute,

remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid, and the President's necessary orders to this end shall be binding upon all departments and officers of the government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General, the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 797)

Art. 51. Suspension of sentences of dismissal or death—The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 799)

Art. 52. Suspension of sentences—The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or honorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 799.)

This article cumulates prior articles 52 and 53.

Art. 53. Execution or remission; confinement in disciplinary barracks—When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

III PUNITIVE ARTICLES

A. ENLISTMENT; MUSTER. RETURNS

Art. 54. Fraudulent enlistment—Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

Art. 55. Officer making unlawful enlistment—Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 800)

Art. 56. False muster—Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 800.)

Art. 57. False returns; omission to render returns—Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

B. DESERTION; ABSENCE WITHOUT LEAVE

Art. 58. Desertion—Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

Art. 59. Advising or aiding another to desert—Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 800.)

Art. 60. Entertaining a deserter—Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 800.)

Art. 61. Absence without leave—Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 801.)

C. DISRESPECT, INSUBORDINATION; MUTINY

Art. 62. Disrespect toward President, Vice President, Congress, Secretary of War, Governors, Legislatures—Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 801)

Art. 63. Disrespect toward superior officer—Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801)

Art. 64. Assaulting or willfully disobeying superior officer—Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

Art. 65. Insubordinate conduct toward noncommissioned officer—Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a warrant officer or a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a warrant officer or a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

Art. 66. Mutiny or sedition—Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801)

Art. 67. Failure to suppress mutiny or sedition—Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

Art. 68. Quarrels; frays; disorders—All officers, members of the Army Nurse Corps, warrant officers, Army field clerks, field clerks, Quartermaster Corps, and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer, nurse, band leader, warrant officer, field clerk, or noncommissioned officer, or draws a weapon upon or otherwise threatens or does violence to him, shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 801.)

D. ARREST, CONFINEMENT

Art. 69. Arrest or confinement—Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 802)

Art. 70. Charges; action upon—Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief

No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Before directing the trial of any charge by general court-martial the appointing authority will refer it to his staff judge advocate for consideration and advice.

When any person subject to military law is placed in arrest or confinement immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time

of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 802)

Art. 71. Refusal to receive and keep prisoners—No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner Any officer or soldier so refusing shall be punished as a court-martial may direct. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 802)

Art. 72. Report of prisoners received—Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him, and if he fails to make such report, he shall be punished as a court-martial may direct (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 803.)

Art. 73. Releasing prisoner without proper authority—Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 803)

Art. 74. Delivery of offenders to civil authorities—When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 803)

E. WAR OFFENSES

Art. 75. Misbehavior before the enemy—Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 803)

Art. 76. Subordinates compelling commander to surrender—Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command, to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 803)

Art. 77. Improper use of countersign—Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 803)

Art. 78. Forcing a safeguard—Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 803)

Art. 79. Captured property to be secured for public service—All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 804)

Art. 80. Dealing in captured or abandoned property—Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

Art. 81. Relieving, corresponding with, or aiding the enemy—Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 804.)

Art. 82. Spies—Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804)

F. MISCELLANEOUS CRIMES AND OFFENSES

Art. 83. Military property; willful or negligent loss, damage, or wrongful disposition—Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged,

or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 804)

Art. 84. Waste or unlawful disposition of military property issued to soldiers—Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 804)

Art. 85. Drunk on duty—Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804)

Art. 86. Misbehavior of sentinel—Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

Art. 87. Personal interest in sale of provisions—Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 804.)

Art. 88. Intimidation of persons bringing provisions—Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 805)

Art. 89. Good order to be maintained and wrongs redressed—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

Art. 90. Provoking speeches or gestures—No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805.)

Art. 91. Dueling—Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 805)

Art. 92. Murder; rape—Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805)

Art. 93. Various crimes—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 805)

Art. 94. Frauds against the Government—Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth

of the statements therein contained and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof, or

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed And if any officer, being guilty, while in the military service of the United States, of embezzlement of ration savings, post exchange, company, or other like funds, or of embezzlement of money or other property intrusted to his charge by an enlisted man or men, receives his discharge, or is dismissed, or is dropped from the rolls, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not been so discharged, dismissed, or dropped from the rolls (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 805)

Art. 95. Conduct unbecoming an officer and gentleman—Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 806.)

Art. 96. General article—Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 806)

IV. COURTS OF INQUIRY.

Art. 97. When and by whom ordered—A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

Art. 98. Composition—A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807)

Art. 99. Challenges—Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807)

Art. 100. Oath of members and recorders—The recorder of a court of inquiry shall administer to the members the following oath: "You, A. B, do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward So help you God" After which the president of the court shall administer to the recorder the following oath: "You, A. B, do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God"

In case of affirmation the closing sentence of adjuration will be omitted (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807)

Art. 101. Powers; procedure—A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

Art. 102. Opinion on merits of case—A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807.)

Art. 103. Record of proceedings; how authenticated—Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 807)

V. MISCELLANEOUS PROVISIONS

Art. 104. Disciplinary powers of commanding officers—Under such regulations as the President may prescribe, the commanding officer of any attachment, company, or higher command may, for minor offenses impose disciplinary punishments upon persons of his command without the intervention of a court-martial unless the accused demands trial by court-martial.

The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard, except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade

may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission, but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 808.)

Art. 105. Injuries to property; redress of—Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered

Where the offenders cannot be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 808.)

Art. 106. Arrest of deserters by civil officials—It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 808)

Art. 107. Soldiers to make good time lost—Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat 809.)

Art. 108. Soldiers; separation from the service—No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present, and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

Art. 109. Oath of enlistment—At the time of his enlistment every soldier shall take the following oath or affirmation: "I, — --, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War" This oath or affirmation may be taken before any officer (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809)

Art. 110. Certain articles to be read and explained—Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

Art. 111. Copy of record of trial—Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 809.)

Art. 112. Effects of deceased persons; disposition of—In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary

named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions, but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions, to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 809)

Art. 113. Inquests—When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 810.)

Art. 114. Authority to administer oaths—Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry, or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 810)

Art. 115. Appointment of reporters and interpreters—Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court, may appoint an interpreter, who shall interpret for the court or commission. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 810)

Art. 116. Powers of assistant trial judge advocate and of assistant defense counsel—An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811)

Art. 117. Removal of civil suits—When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat 811)

Art. 118. Officers, separation from service—No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811)

Art. 119. Rank and precedence among Regulars, Militia, and Volunteers—That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. (June 4, 1920, c. 227, subchapter II, § 1, 41 Stat. 811.)

Art. 120. Command when different corps or commands happen to join—When different corps or commands of the military forces of the United States happen to join or do duty together, the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty,

shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President. (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 811.)

Art. 121. Complaints of wrongs—Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon (June 4, 1920, c 227, subchapter II, § 1, 41 Stat. 811.)

§ 2308b. Time of taking effect of Articles of War—The provisions of Chapter II of this Act shall take effect and be in force eight months after the approval of this Act: Provided, That articles 2, 23, and 45 shall take effect immediately. (June 4, 1920, c. 227, subchapter II, § 2, 41 Stat 812.)

§ 2308c. Effect as to offenses previously committed—All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of Chapter II of this Act, under any law embraced in or modified, changed, or repealed by Chapter II of this Act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this Act had not been passed (June 4, 1920, c. 227, subchapter II, § 3, 41 Stat 812)

§ 2308cc. Repeal—Section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and all laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed. (June 4, 1920, c. 227, subchapter II, § 4, 41 Stat. 812.)

Chapter Six—The United States Disciplinary Barracks

§ 2458a(1, 7).

Act March 4, 1915, c. 143, § 1, 38 Stat. 1074, contains these further provisions:

"The United States military prison at Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks and the branches of said prison as branches of said barracks."

"The authority now vested in the Secretary of War to give an honorable restoration to duty, in case the same is merited, to general prisoners confined in the United States Disciplinary Barracks and its branches shall be extended so that such restoration may be given to general prisoners confined elsewhere, and the Secretary of War shall be, and he is hereby, authorized to establish a system of parole for prisoners confined in said barracks and its branches, the terms and conditions of such parole to be such as the Secretary of War may prescribe."

(7¾). Indebtedness to United States of general prisoners restored to duty as enlisted men; collection from pay; remission—If at the time of restoration to duty as an enlisted man, from the status of a general prisoner, such enlisted man is indebted to the United States or its instrumentalities, or to any Governmental agency, the amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay: Provided, That if such indebtedness of the enlisted man so charged against him at the time of his restoration be not fully liquidated before the date of expiration of his current enlistment or on such date thereafter to which he may be required to serve under the provisions of the one hundred and seventh article of war and his service subsequent to his restoration has been honest and faithful, then at the time of such enlisted man's discharge from his current enlistment the Secretary of War, if he deem such action to be in the interest of justice and for the best interest of the military service, under such regulations as he shall prescribe, may remit and cancel the portion of such indebtedness then remaining unpaid (Sept 22, 1922, c 401, 42 Stat 1013)

This section is an act entitled "An act to authorize the collection in monthly installments of indebtedness due to the United States by general prisoners restored to duty, and for other purposes," cited above.

TITLE XV—THE NAVY

The Navy Department and Naval Service appropriation act for the year 1926, Act Feb 11, 1925, c 209, 43 Stat. 862, contains the following provisions:

"* * * Contingent Expenses, Navy Department * * It shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph

"* * * Increase of the Navy. * * No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized * *.

"* * No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant, and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement, can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

Chapter One—Organization

§ 2471aaa. Admirals and vice admirals; allowances—The officers of the Navy holding the rank and title of Admiral and Vice Admiral in the Navy while holding such rank and title shall receive the allowances of a General and Lieutenant General of the Army, respectively. (July 1, 1918, c. 114, 40 Stat. 717.)

From the Naval appropriation act for the year 1919, cited above.

§ 2483aa. Number of commissioned officers of line and staff officers on active duty—The number of commissioned officers of the line, permanent, temporary, and reserve on active duty shall not exceed 4 per centum of the total authorized enlisted strength of the Regular Navy, and the number of staff officers on active duty of whatever kind shall be in the same proportions as authorized by existing law. (June 4, 1920, c. 228, § 2, 41 Stat. 834.)

From § 2 of the Naval Service appropriation act for the year 1921, cited above.

§ 2483aaa. Additional commissioned, warranted, appointed, enlisted and civilian personnel of Medical Department for care of United States Veterans' Bureau patients in naval hospitals—Additional commissioned, warranted, appointed, enlisted and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act (Jan 22, 1923, c 28, 42 Stat 1143 May 28, 1924, c. 203, 43 Stat. 193. Feb 11, 1925, c 209, 43 Stat. 872.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above, accompanying the appropriations for the pay and allowances for the personnel of the Navy A similar provision is contained in prior acts.

§ 2483g. Temporary additional officers in Navy and Marine Corps; number—Additional commissioned officers in the Navy and Marine Corps, based upon the temporary increases herein authorized in the number of enlisted men, shall be temporarily appointed by the President, in his discretion, with the advice and consent of the Senate, not above the grades and ranks of lieutenant commander in the line and staff of the Navy and major in the Marine Corps, the distribution in said grades and ranks to be made in accordance with the provisions of the Act of August twenty-ninth, nineteen hundred and sixteen: Provided, That all temporary original appointments shall be made in the lowest commissioned grades of the line and staff of the Navy and Marine Corps, exclusive of commissioned warrant officers, and that there shall be no permanent or temporary appointments in or permanent or temporary promotions to any grade or rank above that of lieutenant commander in the Navy or major in the Marine Corps by reason of the temporary appointment of officers authorized by this Act in excess of the total number of officers authorized by existing law or on account of the increase of enlisted men herein authorized: Provided further, That, during the period of the present war, the deficiency existing prior to the passage of this Act in the total number of commissioned officers of the Navy and Marine Corps authorized by the Act of August twenty-ninth, nineteen hundred and sixteen, may also be supplied by temporary appointments in the lowest grades and by temporary promotions to all other grades until a sufficient number of officers shall be available for regular appointment or promotion in accordance with existing law: Provided further, That nothing herein shall be held or construed to limit or abridge the use or service of the officers of the Navy and Marine Corps on the retired list or of the officers of the Naval Militia and National Naval Volunteers, Naval Reserve Force, and Marine Corps Reserve, as provided and authorized under existing law. (May 22, 1917, c. 20, § 4, 40 Stat. 85, amended, July 1, 1918, c. 114, 40 Stat. 715.)

This section was amended by Act July 1, 1918, c. 114, cited above, by striking out the word "lieutenant," wherever it appeared therein, and by substituting therefor the words "lieutenant commander."

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat 1080 By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2483h. Same; temporary advancement and temporary appointments—The additional temporary officers authorized in the various grades and ranks of the Navy and Marine Corps in accordance with the next preceding section may be temporarily appointed to serve in the grades or ranks to which appointed or promoted by the temporary advancement of officers holding permanent and probationary commissions, by temporary appointment of commissioned warrant officers, warrant officers, and enlisted men of the Navy, and warrant officers, noncommissioned officers, and clerks to assistant paymasters of the Marine Corps, commissioned and warrant officers of the United States Coast Guard, citizens of the United States who have had previous naval or military service or training, and other citizens of the United States specially qualified Provided, That such chief warrant officers as are given the temporary appointments provided herein who were chief warrant officers in the permanent Navy on July first, nineteen hundred and seventeen, and were not given such temporary appointments as of that date because of age restriction or ill health, shall take rank and precedence with the other chief warrant officers temporarily appointed as of July first, nineteen hundred and seventeen, and according to their seniority as chief warrant officers in the permanent service: Provided further, That in making appointments authorized herein the maximum age limit shall be fifty years for enlisted men to ensign, enlisted men of the Navy to warrant rank, noncommissioned officers of the Marine Corps to commissioned rank, members of the Marine Corps branch of the Naval Militia and National Naval Volunteers, Marine Corps Reserve, and civilians specially qualified to commissioned rank, and temporary chaplains and temporary acting chaplains: Provided further, That graduates of the Naval Academy and warrant officers duly commissioned in the Navy or Marine Corps in accordance with existing law shall not, by virtue of this Act, be required to receive temporary appointments; and the class of midshipmen graduated from the Naval Academy on March twenty-ninth, nineteen hundred and seventeen, and the classes to be graduated hereafter, may be commissioned effective from date of graduation. (May 22, 1917, c. 20, § 5, 40 Stat. 85, amended, July 1, 1918, c. 114, 40 Stat. 716)

This section was amended by Act July 1, 1918, c 114, cited above, by striking out, after the words "shall be fifty years," the words "commissioned warrant officers, and"

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abol-

ished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c. 374, 43 Stat. 1080 By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c 18, 40 Stat. 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2483hh. Warrant officers in Navy or Marine Corps accepting appointment as commissioned officers in Naval Reserve Force or Marine Corps Reserve; status on termination of commission—Any warrant officer in the Navy or Marine Corps and any pay clerk in the Marine Corps who has accepted or who may hereafter accept appointment as a commissioned officer in the Naval Reserve Force or Marine Corps Reserve shall be entitled, upon the termination of his appointment as a commissioned officer in the Reserve, to revert to his former status as a warrant officer in the Navy or Marine Corps, or as a pay clerk in the Marine Corps, and shall be entitled to count all active reserve service for purposes of longevity pay and retirement. (July 11, 1919, c. 9, 41 Stat 141)

From the Naval appropriation act for the year 1920, cited above

The Naval Reserve Force, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat 704, Act July 11, 1919, c. 9, 41 Stat 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder.

§ 2483i. Temporary additional officers in Navy and Marine Corps; temporary promotion of lieutenants and ensigns—Lieutenants (junior grade) and ensigns may be considered eligible for temporary promotions to the grades of lieutenant and lieutenant (junior grade), respectively, without regard to length of service in grade. (May 22, 1917, c. 20, § 5, 40 Stat. 86, amended, July 1, 1918, c. 114, 40 Stat. 716.)

Act May 22, 1917, c. 20, § 5, of which this section formed a part, was amended by Act July 1, 1918, c 114, cited above. This section was not affected by said amendment. For other parts of said section 5, see ante, § 2483h, post, §§ 2554a, 2554aa, 2554bb.

§ 2483ii. Effect of amendment of Act May 22, 1917, c. 20, §§ 4, 5—Nothing contained in the preceding amendments of the Act of May twenty-second, nineteen hundred and seventeen, shall be construed to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man of the active or retired lists of the Navy. (July 1, 1918, c. 114, 40 Stat. 717.)

From the Naval appropriation act for the year 1919, cited above Act May 22, 1917, c 20, §§ 4, 5, as amended, mentioned in this section, is set forth ante, §§ 2483g, 2483h, 2483i, post, §§ 2541a, 2554a, 2554aa, 2554bb, 2901b

§ 2483kk. Existing temporary appointments continued—Until December 31, 1921, temporary appointments now existing may be continued in force in any grade or rank, not to exceed the number allowed in any grade or rank based upon the total permanent authorized commissioned strength of the line or of any staff corps. (June 4, 1920, c. 228, § 2, 41 Stat. 831)

From § 2 of the Naval appropriation act for the year 1921, cited above

§ 2483o. Temporary commissioned officers and warrant officers in Navy and Naval Reserve Force; transfer to and appointment in permanent grades or ranks in Navy; grades; number, rank and precedence—Officers holding temporary commissioned and warrant ranks in the Navy and members of the Naval Reserve Force of commissioned and warrant ranks shall be eligible for transfer to an appointment in the permanent grades or ranks in the Navy for which they may be found qualified not above that held by them on the date of transfer, but not to exceed a total of one thousand two hundred commissioned officers in the line, of which number five hundred may be appointed from class five, Naval Reserve Flying Corps, with proportionate number in all Staff Corps as now authorized by law, except that the Medical, Dental, and Supply Corps shall be entitled to such additional numbers as are necessary to make up the full quota of officers in those corps, as now authorized by law: Provided, That officers so appointed to the line of the Navy shall take rank in accordance with their precedence while holding temporary rank, and members of the Naval Reserve Force of commissioned and warrant ranks found qualified for a given rank shall be arranged according to their precedence among themselves and commissioned in the permanent service next after the lowest temporary officer who qualifies for the same rank and is appointed in accordance with the provisions of this Act. (June 4, 1920, c. 228, § 3, 41 Stat. 831.)

From § 3 of the Naval appropriation act for the year 1921, cited above.

So much of this section as authorizes transfers to or appointments in the regular Navy of officers of the United States Naval Reserve Force is repealed by Act March 4, 1925, c. 536, § 9, post, § 2900½-9a.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve, the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts

relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c. 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2483o(1). Appointment of chaplains from Naval Reserve Force; retirement—The Naval Appropriation Act approved June 4, 1920, is hereby amended so that any chaplain in the Naval Reserve Force who was more than fifty years of age on the date of said Act, and who now holds the confirmed rank of commander, may be transferred to and appointed in the same permanent grade and rank in the regular Navy, not in the line of promotion and not eligible for retirement Provided, That any chaplain transferred to the regular Navy in accordance with this authorization shall be wholly retired without pay upon attaining the age of sixty-four years or becoming physically incapacitated for active duty: Provided further, That nothing contained in this Act shall operate to increase the number of chaplains with the rank of commander as now authorized by law. (July 1, 1922, c 259, 42 Stat 812)

From the Navy Department and Naval Service appropriation act for the year 1923, cited above

The Naval Reserve Force, established under Act Aug 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz , the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve or the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c 374, 43 Stat 1080. The United States Marine Corps Reserve, established under Act Aug 29, 1916, c. 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz , the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve by section 2 of said Act Feb 28, 1925, c. 374, 43 Stat 1080. By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat, 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat 84, Act July 1, 1918, c 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c. 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

§ 2483oo. Commissioned officers of Coast Guard; transfer to and appointment in permanent grades or ranks in Navy; rank and precedence—Included in the number of transfers and appointments hereinbefore allowed commissioned officers of the Coast Guard, who have served creditably under the Navy Department in the War with the German Government, upon suitable application approved by the Secretary of the Navy and the Secretary of the Treasury, may be appointed to a permanent rank or grade in the Navy for which found qualified by a board of naval officers under the provisions of existing law, but not above the rank of lieutenant commander, and shall take such precedence therein as the Secretary of the Navy may determine. (June 4, 1920, c. 228, § 3, 41 Stat. 835.)

From § 3 of the Naval appropriation act for the year 1921, cited above.

So much of this section as authorizes transfers to or appointments in the regular Navy of officers of the United States Naval Reserve Force is repealed by Act March 4, 1925, c. 536, § 9, post, § 2900½-9a.

§ 2483p. Commissioned warrant officers with service in temporary commissioned ranks or grades in Regular Navy; appointment to permanent rank or grade; rank and precedence—In addition to the number of transfers and appointments hereinbefore allowed, commissioned warrant officers of more than fifteen years' service since date of warrant or date of first appointment as paymaster's clerk, pharmacist or mate, who have creditably served in the war with the German Government in temporary commissioned ranks or grades in the regular Navy, shall be appointed to a permanent rank or grade for which they may be qualified as established and shown by their records of service during their term of service not above the temporary rank or grade held by them at the time of transfer. Provided, That officers so transferred to the line of the Navy shall take rank therein in accordance with their precedence while holding temporary rank. (June 4, 1920, c. 228, § 4, 41 Stat 835)

From § 4 of the Naval appropriation act for the year 1921, cited above.

§ 2483pp. Temporary commissioned officers, etc., appointed in permanent grades or ranks; precedence—All officers so transferred in accordance with sections 3 and 4 of this Act to the staff corps of the Navy shall take precedence with each other and with other officers in the Navy in such order as may be recommended by a board of naval officers and approved by the Secretary of the Navy. (June 4, 1920, c. 228, § 4, 41 Stat. 835)

From § 4 of the Naval appropriation act for the year 1921, cited above

§ 2483q. Same; limitation on grade or rank to which appointed—No transfers or appointments made in accordance with sections 3 and 4 of this Act shall be to a higher grade or rank than lieutenant in the Navy (June 4, 1920, c 228, § 4, 41 Stat. 835)

From § 4 of the Naval appropriation act for the year 1921, cited above.

§ 2483qq. Same; failure of promotion; reversion to prior status—Officers appointed to the permanent Navy in accordance with the foregoing sections who now hold permanent warrant or permanent commissioned warrant rank in the United States Navy shall, if they thereafter fail professionally on examination for promotion, revert to such permanent warrant or permanent commissioned warrant status. (June 4, 1920, c 228, § 4, 41 Stat 835.)

From § 4 of the Naval appropriation act for the year 1921, cited above.

§ 2483r. Same; age limits—Officers appointed under any of the foregoing provisions shall be not more than thirty-five years of age when so appointed to the line of the Navy, Construction Corps, or Supply Corps, and not more than forty-three years of age when so appointed to the Corps of Chaplains, or to the Medical, Dental, or Civil Engineering Corps Provided, That said age limits shall be increased in the cases of officers who have rendered prior service as paymaster's clerks, or as mates, or as warrant or commissioned officers in the naval service to the extent of all prior naval service· Provided further, That officers originally appointed to the Dental Corps above the said age limits shall be eligible for appointment and promotion under this Act irrespective of age. (June 4, 1920, c. 228, § 5, 41 Stat. 835.)

From § 5 of the Naval appropriation act for the year 1921, cited above.

§ 2483s. Reductions in rank; officers holding temporary appointments; temporary appointments in lower grades—In making reductions in rank as may be required by this Act, officers holding temporary appointments may be given temporary appointments in lower grades, and officers so appointed shall take precedence from the dates of their original ap-

pointments in such lower grades. (June 4, 1920, c. 228, § 5, 41 Stat 836)

From § 5 of the Naval appropriation act for the year 1921, cited above.

§ 2499. [Repealed.]

All laws (including this section, Act Aug 22, 1912, c 335, 37 Stat 344) relating to the Medical Reserve Corps are repealed by a provision of Act July 1, 1918, c 114. See post, § 2499a.

§ 2499a. Medical Reserve Corps and Dental Reserve Corps; laws relating to repealed—That all laws heretofore enacted by Congress relating to the Medical Reserve Corps and Dental Reserve Corps be, and the same hereby are, repealed. (July 1, 1918, c. 114, 40 Stat 708)

From the Naval appropriation act for the year 1919, cited above. It was accompanied by a provision that members of said Corps might be enrolled in the Naval Reserve Force. See post, note at beginning of Chapter Eight A of this Title.

§ 2510. [Repealed in part.]

So much of this section (Aug 22, 1912 c 335, 37 Stat. 345), as relates to the Medical Reserve Corps was repealed by a provision of Act July 1, 1918, c 114, ante, § 2499a.

§§ 2511a-2511d. [Amended by providing substitutes therefor.]

These sections, which were provisions of the Naval appropriation act for the fiscal year 1917, Act Aug 29, 1916, c. 417, 39 Stat 573, 574, were stricken out, and substitutes provided therefor, by provisions of Act July 1, 1918, c. 114, post, §§ 2511e-2511i.

§ 2511e. Naval Dental Corps; officers; number and appointment—The President of the United States is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental officers in the Navy at the rate of one for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps, in the grades of assistant dental surgeon, passed assistant dental surgeon and dental surgeon, who shall constitute the Naval Dental Corps, and shall be a part of the Medical Department of the Navy. Original appointments to the Naval Dental Corps shall be made in the grade of assistant dental surgeon with the rank of lieutenant (junior grade), and all dental officers now in the Dental Corps appointed under the provisions of the Act of Congress approved August twenty-second, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page three hundred and forty-five), or under the provisions of the Act of Congress approved August twenty-ninth, nineteen hundred and sixteen (Statutes at Large, volume thirty-nine, page five hundred and seventy-three), or who may hereafter be appointed, shall take rank and precedence with officers of the Naval Medical Corps of the same rank according to the dates of their respective commissions or original appointments, and all such dental officers shall be eligible for advancement in grade and rank in the same manner and under the same conditions as officers of the Naval Medical Corps with or next after whom they take precedence, and shall receive the same pay and allowances as officers of corresponding rank and length of service in the Naval Medical Corps up to and including the rank of lieutenant commander: Provided, That dental surgeons shall be eligible for advancement in pay and allowances, but not in rank, to and including the pay and allowances of commander and captain, subject to such examinations as the Secretary of the Navy may prescribe, except that the number of dental surgeons with the pay and allowances of captain shall not exceed four and one-half per centum and the number of dental surgeons with the pay and allowances of commander shall not exceed eight per centum of the total authorized number of dental officers: Provided further, That dental surgeons shall be eligible for advancement to the pay and allowances of commander and captain when their total active service as dental officers in the Navy is such that if rendered as officers of the Naval Medical Corps, it would place them in the list of medical officers with the pay and allowances of commander or captain, as the case may be: And provided further, That dental officers who shall have gained or lost numbers on the Navy list shall be considered to have gained or lost service accordingly; and the time served by dental officers on active duty as acting assistant dental surgeons and assistant dental surgeons under provisions of law existing prior to the passage of this Act shall be reckoned in computing the increased service pay and service for precedence and promotion of dental officers herein authorized or heretofore appointed. (Aug. 29, 1916, c. 417, amended, July 1, 1918, c. 114, 40 Stat. 708.)

This section, and the four sections next following, are provisions of the Naval appropriation act for the fiscal year 1919, cited above. These sections were preceded by an amending clause as follows: "That the Act approved August twenty-ninth, nineteen hundred and sixteen, entitled 'An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes' (Statutes at Large, volume thirty-nine, chapter four hundred and seventeen, pages five hundred and seventy-three and five hundred and seventy-four), be, and the same is hereby, amended by striking out all of said Act following the caption 'Naval Dental Corps' on page five hundred and seventy-three, but preceding the caption 'Dental Reserve Corps,' on page five hundred and seventy-four, and by substituting therefor the following:" The provisions of act referred to in said amendatory clause are provisions of Act Aug. 29, 1916, c. 417, 39 Stat. 573, 574.

§ 2511f. Same; officers; qualifications—All appointees authorized by this Act shall be citizens of the United States between twenty-one and thirty-two years of age, and shall be graduates of standard medical or dental colleges and trained in the several branches of dentistry, and shall, before appointment, have successfully passed mental, moral, physical, and professional examinations before medical and professional examining boards appointed by the Secretary of the Navy, and have been recommended for appointment by such boards: Provided, That hereafter no person shall be appointed as assistant dental surgeon in the Navy who is not a graduate of a standard medical or dental college. (July 1, 1918, c. 114, 40 Stat. 709.)

See note to § 2511e.

§ 2511g. Same; officers; retirement—Officers of the Naval Dental Corps shall become eligible for retirement in the same manner and under the same conditions as now prescribed by law for officers of the Naval Medical Corps, except that section fourteen hundred and forty-five of the Revised Statutes of the United States shall not be applicable to dental officers, and they shall not be entitled to rank above lieutenant commander on the retired list, or to retired pay above that of captain. (July 1, 1918, c. 114, 40 Stat. 709.)

See note to § 2511e.

§ 2511h. Same; officers; permanent appointment of probationary officers; retirement—All dental officers now serving under probationary appointments shall become immediately eligible for permanent appointment under the provisions of this Act, subject to the examinations prescribed by the Secretary of the Navy for original appointment as dental officers, and may be appointed assistant dental surgeon with the rank of lieutenant (junior grade) to rank from the date of their probationary appointments: Provided, That the senior dental officer now at the United States Naval Academy shall not be displaced by the provisions of this Act, and he shall hereafter have the grade of dental surgeon and the rank, pay, and allowances of lieutenant commander, and he shall not be eligible for retirement before he has reached the age of seventy years, except for physical disability incurred in the line of duty: Provided further, That no dental officer in the Navy who on original appointment as dental officer was over forty

years of age shall be eligible for retirement before he has reached the age of seventy years, except for physical disability incurred in line of duty. (July 1, 1918, c. 114, 40 Stat. 709)

See note to § 2511e.

§ 2511i. Same; acts repealed—All Acts or parts of Acts inconsistent with the provisions of this Act relating to the Dental Corps of the Navy are hereby repealed: Provided, That nothing herein contained shall be construed to legislate out of the service any officer now in the Medical Department of the Navy or to reduce the rank, pay, or allowances now authorized by law for any officer of the Navy. (July 1, 1918, c. 114, 40 Stat. 710.)

See note to § 2511e.

§§ 2512, 2512a. [Repealed in part.]

So much of these sections (Act March 4, 1913, c. 148, 37 Stat 903, and Act Aug 29, 1916, c 417, 39 Stat 574), as relate to the Naval Dental Reserve Corps were repealed by a provision of Act July 1, 1918, c. 114, ante, § 2499a

§ 2522a. Pay Corps; designation changed to Supply Corps—Hereafter the Pay Corps shall be called the Supply Corps. (July 11, 1919, c. 9, 41 Stat 147.)

From the Naval appropriation act for the year 1920, cited above

§ 2541d. Chaplains; temporary and acting chaplains—Temporary chaplains and temporary acting chaplains in the Navy may be appointed for service during the period of the war in the proportion of the personnel of the Navy as now prescribed by existing law. (May 22, 1917, c. 20, § 4, 40 Stat. 85, amended, July 1, 1918, c. 114, 40 Stat 716.)

This section, which was a part of section 4 of Act May 22, 1917, c 20, was amended by Act July 1, 1918, c 114, cited above, by amending the first part of said section, which is set forth ante, § 2483g, and by adding to the section a new proviso, which is set forth post, § 2901b. This section was not affected by the amendatory act

§ 2554a. Warrant officers; temporary appointments—Temporary appointments as warrant officers of the Navy may be made by the Secretary of the Navy (May 22, 1917, c. 20, § 5, 40 Stat. 86, amended, July 1, 1918, c. 114, 40 Stat. 716.)

Act May 22, 1917, c 20, § 5, of which this section forms a part, was amended by Act July 1, 1918, c 114, cited above. This section was not affected by said amendment. For other parts of said section 5, see ante, §§ 2483h, 2483i, post, §§ 2554aa, 2554bb

§ 2554aa. Chief warrant officers; temporary appointments—Temporary appointments as chief warrant officers may be made by the President with the consent of the Senate. (May 22, 1917, c. 20, § 5, amended, July 1, 1918, c. 114, 40 Stat. 716.)

This section was added by amendment to Act May 22, 1917, c. 20, § 5, cited above, by Act July 1, 1918, c. 114, also cited above. For other parts of said section 5, see ante, §§ 2483h, 2483i, 2554a, post, § 2554bb.

§ 2554bb. Additional Marine gunners and quartermaster clerks; temporary appointment—The temporary appointment for the war of seventy-six additional marine gunners, and seventy-six additional quartermaster clerks, is authorized. (May 22, 1917, c. 20, § 5, amended, July 1, 1918, c. 114, 40 Stat. 716.)

This section was added to Act May 22, 1917, c. 20, § 5, cited above, by the amendatory Act of July 1, 1918, c. 114, also cited above.

§ 2556a. Machinists; number—Bureau of Supplies and Accounts. * * As many machinists as the President may from time to time deem necessary to appoint. * * (July 1, 1922, c. 259, 42 Stat. 799. Jan. 22, 1923, c. 28, 42 Stat. 1143. May 28, 1924, c. 203, 43 Stat. 193. Feb. 11, 1925, c. 209, 43 Stat. 872.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2559aa. Warrant officers; pay on shore duty outside United States—Warrant officers of the Navy on shore duty beyond the continental limits of the United States shall, while so serving and from the time of departure from and until the time of return to said limits under orders to or from such foreign-shore duty, receive the same pay as is now or may be authorized by law for warrant officers on sea duty: Provided, That this paragraph shall be effective from April 6, 1917. (July 11, 1919, c. 9, 41 Stat. 140)

From the Naval appropriation act for the year 1920, cited above

§ 2570a. Grades and ratings for enlisted personnel—Hereafter the Secretary of the Navy is authorized, in his discretion, to establish such grades and ratings as may be necessary for the proper administration of the enlisted personnel of the Navy and Marine Corps (June 4, 1920, c. 228, § 7, 41 Stat 836)

From § 7 of the Naval appropriation act for the year 1921, cited above.

§ 2570aa. Establishing certain grades in the Navy; chief electrician; chief radio electrician; electrician; radio electrician; rank, pay, allowances, etc.—The commissioned warrant grades of chief electrician and chief radio electrician, and the warrant grades of electrician and radio electrician are hereby established in the United States Navy, and all persons appointed in such grades in accordance with such regulations as the Secretary of the Navy may prescribe shall have the same rank, pay, allowances, and other benefits as now are or may hereafter be allowed other commissioned warrant and warrant officers in the Navy: Provided, That chief gunners and gunners now in the service, qualified for electrical or radio duties, shall, if appointed in the grades hereby established, take precedence from the dates of their original appointments as commissioned warrant and warrant officers, respectively. (March 4, 1925, c. 536, § 12, 43 Stat. 1274.)

This section is section 12 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2571a.

The Navy Department and Naval Service appropriation act for the year 1926, Act Feb. 11, 1925, c. 209, 43 Stat. 872, contains the following: "Bureau of Supplies and Accounts * * and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law" * *.

§ 2573a.

See post, § 2573aaa

The Naval appropriation act for the year 1919, Act July 1, 1918, c 114, 40 Stat. 714, contained the following provision:

"The authorized enlisted strength of the active list of the Navy is hereby increased from eighty-seven thousand to one hundred and thirty-one thousand four hundred and eighty-five"

Act May 22, 1917, c 20, § 1, 40 Stat. 84, as amended by Act July 1, 1918, c 114, 40 Stat 714, read as follows:

"The authorized enlisted strength of the active list of the Navy is hereby temporarily increased from one hundred and thirty-one thousand four hundred and eighty-five to one hundred and eighty-one thousand four hundred and eighty-five, the authorized number of apprentice seamen is hereby temporarily increased from six thousand to twenty-four thousand, and the authorized number of enlisted men of the Flying Corps is hereby temporarily increased from three hundred and fifty to ten thousand: Provided, that the phrase 'authorized enlisted strength,' as applied to the personnel of the Navy, shall mean the total number of enlisted men of the Navy authorized by law, exclusive of the Hospital Corps, apprentice seamen, those sentenced by court-martial to discharge, those detailed for duty with Naval Militia, those furloughed without pay, enlisted men of the Flying Corps, and those under instruction in trade schools: Provided further, That the number of enlisted men for instruction, in trade schools shall not at any time exceed fourteen thousand, which number is hereby temporarily authorized: Provided further, That the President is authorized, at any time during the period of the present war, when in his judgment it becomes necessary, temporarily to increase the authorized enlisted strength of the Navy, as provided for herein, by the addition of fifty thousand men."

The Naval appropriation act for the year 1920, Act July 11, 1919, c. 9, 41 Stat 137, 138, contained the following provisions.

"The total authorized enlisted strength of the active list of the Navy is hereby temporarily increased from

131,485 during the period from July 1, 1919, to September 30, 1919, to 241,000 men, and from October 1, 1919, to December 31, 1919, to 191,000 men and from January 1, 1920, to June 30, 1920, to 170,000 men and the President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to increase the authorized enlisted strength of the Navy to 191,000 men, and the Secretary of the Navy is hereby authorized to call to or continue on active service on strictly naval duties, with their consent, such numbers of the male members and nurses of the Naval Reserve Force in enlisted ratings as may be necessary to supply deficiencies to maintain the total authorized strength for the periods herein authorized The foregoing total authorized strength shall include the hospital corps apprentice seamen, those sentenced by court-martial to discharge, enlisted men of the Flying Corps, those under instruction in trade schools, and members of the Naval Reserve Force so serving That during the fiscal year ending June 30, 1920, no member of the Naval Reserve Force shall be recalled to active duty for training or any other purpose except as hereinbefore provided"

"The average number of commissioned officers of the line, permanent, temporary, and reserves on active duty, shall not exceed during the periods aforesaid, 4 per centum of the total temporary authorized enlisted strength of the Regular and Temporary Navy, and members of the Naval Reserve Force in enlisted ratings on active duty, and the number of staff officers shall be in the same proportion as provided under existing law

"Nothing herein shall be construed as affecting the permanent, commissioned, or enlisted strength of the Regular Navy as authorized by existing law"

§ 2573aa. [Amended]

This section was amended by Act July 1, 1918, c. 114, 40 Stat 714 See ante, note to § 2573a, and post, § 2573aaa.

§ 2573aaa. Reduction of enlisted strength of Navy; furlough without pay; discharge; reenlistments; transfer to Fleet Naval Reserve; discontinuance of recruiting; personnel of medical department not affected—Immediately upon the approval of this Act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy, by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923: Provided, That enlisted men who have served not less than twenty-five years shall unless sooner discharged by sentence of court-martial, be permitted to reenlist and continue serving until they are eligible for retirement after thirty years' service as now provided by law: Provided further, That enlisted men of the Navy who would be eligible under existing law for transfer to the Fleet Naval Reserve after sixteen years' service at the expiration of the current enlistment in which serving, or who have completed sixteen years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this Act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve at the expiration of enlistment after sixteen years' service: Provided further, That enlisted men of the Navy, who have completed eighteen years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this Act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve after twenty years' service: Provided further, That enlisted men who have served for more than twelve but less than sixteen years shall be permitted to reenlist and continue serving, unless sooner discharged by sentence of a court-martial, until they have completed sixteen years' service, whereupon they shall, upon their own application, be permitted to transfer to the Fleet Naval Reserve: Provided further, That no enlisted men of the Navy shall be transferred to the Fleet Naval Reserve unless they have completed sixteen or twenty years' service after the Navy is reduced to the number of enlisted men appropriated for in this Act, and in no event after January 1, 1923. Provided further, That the enlisted men who have served less than twelve years found to be in excess of the total number herein appropriated for, after all other deductions have been made by way of retirement or transfer, shall be discharged or furloughed without pay for the convenience of the Government, and all recruiting shall be discontinued until the total number of enlisted men has been reduced to the number herein appropriated for: Provided further, That enlisted men of the Navy who may be separated from the service by furlough or discharge under the requirements of this Act shall receive travel allowance now authorized by law for men honorably discharged, and shall, upon reenlistment in the Navy at any time hereafter, receive the then current pay of the rating held at the time of discharge plus all permanent additions to such pay authorized by law at time of reenlistment for service equal to that which they had at time of discharge, and, if allowed to reenlist, shall be required to serve under such reenlistment only for a period equal to the unexpired term of the enlistment in which serving when furloughed or discharged Provided further, That additional commissioned, warranted, appointed, enlisted and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers authorized or appropriated for in this Act. (July 1, 1922, c. 259, 42 Stat. 799.)

From the Navy Department and Naval Service appropriation act for the year 1923, cited above. See ante, note to § 2573a.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat 38, Act May 22, 1917, c 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed except the provisions of Act June 1, 1922, c. 212, 42 Stat. 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

§ 2577aaa. Enlistments in the Navy—Hereafter enlistments in the Navy may be for terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment. (July 11, 1919, c. 9, 41 Stat. 134. June 4, 1920, c. 228, § 7, 41 Stat. 836. March 4, 1925, c. 536, § 19, 43 Stat. 1276.)

From section 19 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above. Similar provisions are contained in prior acts.

§ 2579a. [Repealed in part.]

So much of this section (Act Aug 29, 1916, c 417, 39 Stat 560), as authorized the payment of $5 to postmasters for each recruit secured by them, and accepted by the Navy and Marine Corps was repealed by Act July 2, 1918, c 117, § 11, 40 Stat 751

§ 2581a. Discharge of minor enlisted men—Hereafter upon the presentation of satisfactory evidence as to his age, and upon application for discharge by his parent or guardian presented to the Secretary within sixty days after the date of his enlistment, any man enlisted after July 1, 1924, in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience. (May 28, 1924, c. 203, 43 Stat. 191. March 4, 1925, c. 536, § 19, 43 Stat 1276)

From section 19 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above The substance of this section has been included in prior naval appropriation acts.

§ 2586a. Naval training stations; experimental summer schools for boys at—The Secretary of the Navy is hereby authorized, in his direction, to establish at two of the permanent naval training stations experimental summer schools for boys between the ages of sixteen and twenty years. For this purpose he is authorized to use such buildings, or other accommodations, at such training stations, to loan any naval equipment necessary for such purposes, and to give instructions which will fit them for service in the Navy of the United States He is empowered to establish and enforce such rules within the camp as may be necessary and to detail such members of the naval personnel as may be required in order to encourage and execute the spirit of this Act. The Secretary of the Navy is further authorized to loan the necessary naval uniforms during the period of training and to furnish subsistence, medical attendance, and other necessary incidental expenses for those attending these schools: Provided, That those under instruction, with the consent of their parents or their guardians, shall enroll in the Naval Reserve Force for not less than three months, and no person not so enrolled shall be admitted to said training schools. For carrying out the provisions of this paragraph the sum of $200,000 is appropriated. (June 4, 1920, c. 228, § 1, 41 Stat. 817.)

From § 1 of the Naval appropriation act for the year 1921, cited above.

The Naval Reserve Force, established under Act Aug 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed except the provisions of Act June 1, 1922, c 212, 42 Stat. 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

§ 2596a. Enlisted men; discharge—Any enlisted man of the Navy, Marine Corps, or Coast Guard, who, since February 3, 1917, and before November 11, 1918, enlisted for the period of four years shall upon his application made to the Secretary of the Navy on or before September 1, 1919, be held and construed to have enlisted for the duration of the war and shall when discharged be granted an honorable discharge, and upon the taking effect of this Act shall be notified by the Secretary of the Navy of his right to file such application: Provided, That said enlisted man is otherwise entitled to an honorable discharge Provided further, That the return home of the American Expeditionary Forces shall not be thereby delayed Provided further, That any enlisted man who takes advantage of the provisions of this paragraph to secure a discharge from the Navy, Marine Corps, or Coast Guard, and thereafter reenlists within four months in the Navy or in the Marine Corps, under conditions as now prescribed by law, for a period of four years, shall be entitled to receive the benefits of the gratuity pay provided by existing law for reenlistments (July 11, 1919, c 9, 41 Stat 139)

From the Naval appropriation act for the year 1920, cited above

§ 2596b. Same; extension of enlistments—Enlisted men of the Navy, Marine Corps, and Coast Guard, who enlisted for the period of the war or enlisted for a period of four years between February 3, 1917, and November 11, 1918, and have their status changed to that of men who enlisted for the period of the war if otherwise entitled to an honorable discharge, may, under such regulations as the Secretary of the Navy may prescribe, extend their enlistments for a period of one, two, three, or four full years, and shall be entitled to and receive the same rights, privileges, pay, and allowances in all respects as now provided by law for men who extend enlistment on completion of terms of enlistment, except as to gratuity pay: Provided, That as, to gratuity pay, such enlisted men who extend their enlistment as before provided shall be entitled to receive an allowance of one month's pay for extending their enlistment for one year, two months' pay for extending their enlistment for two years, three months' pay for extending their enlistment for three years, and in the Navy four months' pay for extending their enlistment for four years. (July 11, 1919, c. 9, 41 Stat. 139.)

From the Naval appropriation act for the year 1920, cited above.

§ 2598a. Discharge for the good of the service; payments to persons discharged—Hereafter persons discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed $25: Provided, That the said sum shall be fixed by, and in the discretion of, the Secretary of the Navy, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs. (March 4, 1925, c. 536, § 10, 43 Stat. 1274.)

From § 10 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Two—General Provisions Relating to Officers

§ 2619c. Sale of uniforms and equipment at cost—Hereafter uniforms, accouterments, and equipment shall, upon the request of any officer of the Navy or any officer of the Marine Corps or any officer of the Coast Guard while operating with the Navy or any midshipman at the Naval Academy or cadets at the Coast Guard Academy, be furnished by the Government at cost, subject to such restrictions

and regulations as the Secretary of the Navy may prescribe (Jan 12, 1919, c. 8, 40 Stat. 1054)

This section is an act entitled "An act providing for the purchase of uniforms, accouterments, and equipment by officers of the Navy, Marine Corps, and Coast Guard, and midshipmen at the Naval Academy from the Government at cost," cited above

§ 2619d. Computation of length of service of officers of Navy—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194. Feb. 11, 1925, c. 200, 43 Stat 872)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above The same provision is contained in prior acts

Chapter Three—Retired Officers and Men of the Navy

§ 2626a. Retirement of officers of Naval Reserve Force and temporary officers of Navy—All officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disability in line of duty in time of war shall be eligible for retirement under the same conditions as now provided by law for officers of the Regular Navy who have incurred physical disability in line of duty: Provided, however, That application for such retirement shall be filed with the Secretary of the Navy not later than October 1, 1921. (June 4, 1920, c. 228, § 2, 41 Stat. 834, amended, July 12, 1921, c. 44, § 6, 42 Stat. 140.)

This section, a part of § 2 of the Naval appropriation act for the year 1921, cited above, was amended by Act July 12, 1921, c 44, § 6, cited above, to read as set forth above Said amendment consists in the addition of the proviso.

The Naval Reserve Force, established under Act Aug. 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed except the provisions of Act June 1, 1922, c. 212, 42 Stat. 625, relating to such organizations. See §§ 2900⅛–1 to 2900⅛–40, and notes thereunder.

§ 2626a(1). Officers of the Navy and Marine Corps examined for retirement while holding temporary rank and found physically incapacitated in line of duty shall be retired in temporary rank held at time of examination by retiring board and paid accordingly—All officers of the Navy and Marine Corps who while holding temporary rank were examined for retirement and found physically incapacitated in the line of duty, and whose temporary appointments were revoked, shall, in all cases where the department has recalled and canceled the letter revoking the temporary appointment, be considered as having been retired in the temporary rank held by them at the time of examination by the retiring board, and shall be entitled to pay on the retired list computing on the pay of such temporary rank from the day their retirement was effective. (March 4, 1925, c. 536, § 24, 43 Stat. 1277.)

This section is section 24 of an act entitled "An act providing for sundry matters affecting the Naval Service, and for other purposes," cited above.

§ 2626a(2). Officers of regular Navy retired since December 31, 1921, because of physical disability originating in line of duty in time of war, to be retired in higher grade or rank held during the war—Any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank. (March 4, 1925, c 536, § 25, 43 Stat. 1278)

This section is section 25 of an act entitled "An act providing for sundry matters affecting the Naval Service, and for other purposes," cited above

§ 2626aa. Retirement of officers who have served as chief of bureau in Navy Department; rank, pay, and allowances—Any officer of the Navy who has heretofore served four years as chief of a bureau in the Navy Department and shall be retired subsequent to the completion of such period of service for physical disability due to wounds inflicted by the enemy while in the performance of his duty shall be retired with the rank, pay, and allowances now authorized by law for the retirement of a chief of bureau. (July 1, 1922, c. 259, 42 Stat. 811.)

From the Navy Department and Naval Service appropriation act for the year 1923, cited above.

§ 2626aaa. Retirement of staff officers with permanent rank of rear admiral during the World War—Any staff officer of the Navy now on the active list who held the permanent rank of rear admiral during the World War, after serving ten years in that rank, may, in the discretion of the President, be placed upon the retired list with three-fourths of the pay received by him on the active list at the date of his retirement. (March 4, 1925, c. 536, § 29, 43 Stat. 1278)

This section is section 29 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2626aaaa. Retirement of officers of the Navy and Marine Corps specially commended for duty in actual combat with the enemy during the World War; retired rank and pay—All officers of the Navy and Marine Corps who have been specially commended for their performance of duty in actual combat with the enemy during the World War, by the head of the executive department under whose jurisdiction such duty was performed, when retired by reason of age ineligibility for promotion, shall be placed upon the retired list with the rank of the next higher grade and with three-fourths of the pay they would have received if not advanced in rank pursuant to this section. (March 4, 1925, c. 536, § 30, 43 Stat. 1279.)

This section is a part of section 30 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2647a. Retirement under section 1481 of the Revised Statutes—Hereafter no person shall be retired with the rank of commodore, under the provisions of section 1481 of the Revised Statutes, unless he has attained at the time of retirement the rank of

captain in the Navy. (March 4, 1925, c. 536, § 5, 43 Stat. 1271.)

This section is section 5 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2653c. Active duty; officers ordered on; promotion, pay, and allowances—Hereafter, during the existence of war or of a national emergency declared by the President to exist, any commissioned or warrant officer of the Navy, Marine Corps, or Coast Guard of the United States on the retired list may, in the discretion of the Secretary of the Navy, be ordered to active duty at sea or on shore, and any retired officer performing such active duty in time of war or national emergency, declared as aforesaid, shall be entitled to promotion on the retired list to the grade or rank, not above that of lieutenant commander in the Navy or major in the Marine Corps or captain in the Coast Guard, and shall thereafter receive the pay and allowances thereof, which his total active service as an officer both prior and subsequent to retirement, in the manner rendered by him, would have enabled him to attain in due course of promotion had such service been rendered continuously on the active list during the period of time last past. (July 1, 1918, c. 114, 40 Stat. 717)

This section and the section next following are parts of the Naval appropriation act for the fiscal year 1919, cited above.

§ 2653d. Same; temporary advancement in rank—During the existence of war or of a national emergency, declared as aforesaid, any commissioned or warrant officer of the Navy, Marine Corps or Coast Guard of the United States on the retired list, while on active duty, may be temporarily advanced to and commissioned in such higher grade or rank on the retired list, not above that of lieutenant commander in the Navy or major in the Marine Corps or captain in the Coast Guard, as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list: Provided, That any such commissioned or warrant officer who has been so temporarily advanced in grade or rank shall, upon his relief from active duty, or in any case not later than six months after the termination of the war or of the national emergency, declared as aforesaid, revert to the grade or rank on the retired list and to the pay and allowance status which he would have held had he not been so temporarily advanced. Provided further, That nothing in this Act shall operate to reduce the pay and allowances now allowed by law to retired officers. (July 1, 1918, c. 114, 40 Stat. 717.)

See note to § 2653c

§ 2659aa. Call into active service of retired enlisted men; promotion; pay—Any enlisted man of the Navy or Marine Corps upon the retired list who has been ordered into active service since April sixth, nineteen hundred and seventeen, or who may hereafter be ordered into active service, shall be eligible for promotion and he shall be entitled to the pay and benefits of continuous service of such rank and for such length of time as he is or has been employed in active service, and when relieved of active service shall retain upon the retired list the rank and service held by him at the time of such relief, with the pay and allowances of such rank on the retired list; and the accounting officers of the Treasury are hereby directed to allow in the accounts of any enlisted man of the Navy or Marine Corps who resigned from the retired list in order to reenlist for appointment in a higher grade, the same continuous service pay and the benefits of such rank to which he may have been appointed upon reenlistment, as if his service had been continuous, and any difference in pay from the date of reenlistment shall be credited to his account. (July 1, 1918, c. 114, 40 Stat. 719)

From the Naval appropriation act for the year 1919, cited above

§ 2659aaa. Act July 1, 1918, c. 114, construed—That so much of the Act of July 1, 1918 (Public Numbered 182), as authorizes the promotion of retired enlisted men of the Navy and Marine Corps ordered to active duty shall not be so construed as to make illegal promotions of such men as have heretofore been made to warrant grades or as to deprive them of any of the pay, allowances, or other benefits accruing under such promotion. (July 11, 1919, c. 9, 41 Stat 153)

From the Naval appropriation act for the year 1920, cited above For the provision of Act July 1, 1918, c. 114, mentioned in this section see ante, § 2659aa

§ 2659aaaa. Enlisted men; reenlistment after service in Naval Reserve Force or Marine Corps Reserve—Any enlisted man of the Navy or Marine Corps who has been or may be discharged to enable him to accept appointment as a commissioned or warrant officer in the Naval Reserve Force or Marine Corps Reserve, and who reenlists in the Navy or Marine Corps after the termination of his reserve service, shall be entitled, in computing service for retirement, to credit for all active reserve service; and if he reenlists in the Navy or Marine Corps within four or three months, respectively, from the date of the termination of his service as an officer of the Reserve he shall be restored to the grade or rank held by him before being discharged to accept such commission or warrant, and his service in the Regular Navy or Marine Corps, including his active service in the Naval Reserve Force or Marine Corps Reserve, shall be regarded as continuous for purposes of continuous-service pay. (July 11, 1919, c. 9, 41 Stat. 141.)

From the Naval appropriation act for the year 1920, cited above.

The Naval Reserve Force, established under Act Aug 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c. 374, 43 Stat The United States Marine Corps Reserve, established under Act Aug 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c 374, 43 Stat By section 3 of said Act Feb. 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c. 15, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c. 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

Chapter Four—Rank and Precedence, Promotion and Advancement

OF RANK AND PRECEDENCE

§ 2679aa. Rear admirals; precedence by length of service—Any officer with the permanent rank of rear admiral who has heretofore served a full term and is now serving as chief of any bureau of the

Navy Department shall be credited with service for all purposes as provided by section 1486 of the Revised Statutes, and nothing herein contained shall operate to increase the rank or pay of any such officer as now authorized by law. (July 11, 1919, c. 9, 41 Stat. 140)

From the Naval appropriation act for the year 1920, cited above.

§ 2684b. Inscription of rank on monuments, tablets or other memorials—The Secretary of the Navy is hereby authorized, in his discretion, to sanction the inscription upon any monument, tablet, or other memorial erected to any person who has died or may hereafter die from wounds, injuries, or disease incurred in the line of duty while a member of the naval service, of the rank for which the deceased qualified and to which he would have been appointed in due course except for his death. (March 8, 1922, c. 95, 42 Stat. 415)

This section is an act entitled "An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, and other memorials," cited above.

OF PROMOTION AND ADVANCEMENT

§ 2697dd. Mode of promotion; computation; boards—The provision of existing law which requires the Secretary of the Navy to make computations semiannually as of July 1 and January 1 of each year and to convene the boards to select officers of the line and of the staff corps for promotion is hereby amended so that said computations shall be made and said boards shall be convened at least once each year and at such times as the Secretary of the Navy may direct, and the boards shall recommend for promotion such number of officers as may be necessary to fill vacancies then existing and which may occur during the next period of time (July 11, 1919, c. 9, 41 Stat. 139)

From the Naval appropriation act for the year 1920, cited above.

§ 2697h. Promotion of captain, commander, or lieutenant commander—On and after June thirtieth, nineteen hundred and twenty, no captain, commander, or lieutenant commander shall be promoted unless he has had not less than two years' actual sea service on sea-going ships in the grade in which serving or who is more than fifty-six, fifty, or forty-five years of age, respectively: Provided, That in exceptional cases where officers are specifically designated during war or national emergency declared by the President by the Secretary of the Navy as performing, or as having performed, such highly important duties on shore that their services can not be or could not have been spared from such assignment without serious prejudice to the successful prosecution of the war, the qualification of sea service in the cases of those officers so specifically designated shall not apply while the United States is at war, or during a national emergency declared by the President, or within two and one-half years subsequent to the ending of such war or national emergency: Provided, That the qualification of sea service shall not apply to officers restricted to the performance of engineering duty only: Provided further, That captains, commanders, and lieutenant commanders who become ineligible for promotion on account of age shall be retired on a percentage of pay equal to two and one-half per centum of their shore-duty pay for each year of service: Provided further, That the total retired pay shall not exceed seventy-five per centum of the shore-duty pay they were entitled to receive while on the active list. (Aug. 29, 1916, c. 417, 39 Stat. 579, amended, July 1, 1918, c. 114, 40 Stat 717.)

This section was amended by Act July 1, 1918, c. 114, cited above, by inserting therein the first proviso, as set forth above.

§ 2697hh. Promotion of commander—The age and grade requirement prescribed by the Act approved August 29, 1916, in rank of commander, is hereby extended from June 30, 1920, to June 30, 1921. (July 11, 1919, c 9, 41 Stat. 140)

From the Naval appropriation act for the year 1920, cited above.

§ 2697hh(1). Promotion of captain, commander, etc.; age limits deferred—The age limits for promotion by selection, which, under existing law, will become effective on June 30, 1920, are hereby deferred until June 30, 1921, in the cases only of those officers who may request such deferment (June 4, 1920, c. 228, § 10, 41 Stat. 837.)

This section is § 10 of the Naval appropriation act for the year 1921, cited above.

§ 2697hhh. Promotion of temporary commissioned officers, etc., appointed in permanent grades or ranks; age limits—Officers of the line of the Navy who are appointed thereto pursuant to this Act from sources other than the Naval Academy shall not be ineligible for promotion by reason of age as prescribed by the Act of August 29, 1916 (Thirty-ninth Statutes, page 579), until they have rendered ten years' service in the grade of lieutenant commander, six years' service in the grade of commander, or eight years' service in the grade of captain, respectively, upon the completion of which service such officers, if then ineligible for promotion by reason of age, shall be retired in accordance with said Act (June 4, 1920, c. 228, § 5, 41 Stat. 836)

From § 5 of the Naval appropriation act for the year 1921, cited above

§ 2697hhhh. Promotion of lieutenant (junior grade) and lieutenant; age limits—Until June 30, 1923, promotions to lieutenant (junior grade) and lieutenant may be made without regard to length of service. (June 4, 1920, c. 228, § 5, 41 Stat. 836.)

From the Naval appropriation act for the year 1921, cited above

§ 2697hhhhh. Promotion of permanent officers with service during war with Germany in temporary grade or rank—Until June 30, 1923, officers of the permanent Navy who have served satisfactorily during the war with the German Government in a temporary grade or rank shall be eligible under the provisions of existing law for selection for promotion or for promotion to the same permanent grade or rank without regard to statutory requirements other than age and professional and physical examination. (June 4, 1920, c. 228, § 5, 41 Stat. 836.)

From § 5 of the Naval appropriation act for the year 1921, cited above.

§ 2697i. Promotion of captains—The provisions of the Act of August 29, 1916, regarding the promotion of captains in the line of the permanent Navy shall not restrict the promotion of such captains as may have been wounded in line of duty and who are now on the active list, and such captains shall be entitled to the benefits of the provisions of section 1494, Revised Statutes of the United States, and also to the benefits of the Act of March 4, 1911. (July 11, 1919, c. 9, 41 Stat. 147.)

From the Naval appropriation act for the year 1920, cited above.

§ 2699a. Existing laws as to promotions extended to advancements to certain ranks—The provisions of existing laws with reference to promotion by selection in the line of the Navy are hereby extended to include and authorize advancement to the ranks of commander, captain, and rear admiral in the Staff Corps of the Navy under the same conditions in all respects except as may be necessary to adapt the said provisions to such Staff Corps: Provided, That boards of selection shall in each case be composed, when practicable, of not less than five members

of the corps concerned and promotions shall be made on the basis of fitness alone by selection from among the officers of the rank next below: Provided further, That the requirements for sea service in grade, length of service in grade and maximum age in grade for promotion shall not apply. (July 1, 1918, c. 114, 40 Stat. 718)

From the Naval appropriation act for the year 1919, cited above

§ 2702a. Promotion of officers serving during war with Germany—That officers of the permanent Navy who have served satisfactorily during the war with the German Government in a temporary grade or rank shall be eligible under the provision of existing law for selection for promotion and for promotion to the same permanent grade or rank until July 1, 1920, without regard to statutory requirements other than professional and physical examinations (July 11, 1919, c 9, 41 Stat 110)

From the Naval appropriation act for the year 1920, cited above

§ 2715b. Medals of honor; to whom presented—That the President of the United States be, and he is hereby, authorized to present, in the name of Congress, a medal of honor to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or the command to which attached. (Feb. 4, 1919, c 14, § 1, 40 Stat. 1056)

This section, and the eight sections next following, are an act entitled "An act to provide for the award of medals of honor, distinguished service medals, and Navy crosses, and for other purposes," cited above.

§ 2715c. Distinguished-service medals; to whom presented—That the President be, and he hereby is, further authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the sixth day of April, nineteen hundred and seventeen, has distinguished, or who hereafter shall distinguish, himself by exceptionally meritorious service to the Government in a duty of great responsibility. (Feb. 4, 1919, c. 14, § 2, 40 Stat. 1056.)

See note to § 2715b, ante.

§ 2715d. Navy crosses; to whom presented—That the President be, and he hereby is, further authorized to present, but not in the name of Congress, a Navy cross of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while in the naval service of the United States, since the sixth day of April, nineteen hundred and seventeen, has distinguished, or who shall hereafter distinguish, himself by extraordinary heroism or distinguished service in the line of his profession, such heroism or service not being sufficient to justify the award of a medal of honor or a distinguished-service medal. (Feb. 4, 1919, c. 14, § 3, 40 Stat. 1056.)

See note to § 2715b, ante.

§ 2715e. Additional pay to persons awarded medals or crosses—Each enlisted or enrolled person of the naval service to whom is awarded a medal of honor, distinguished-service medal, or a Navy cross shall, for each such award, be entitled to additional pay at the rate of $2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable emblem or insignia, in lieu of a medal of honor, distinguished-service medal, or Navy cross, as hereinafter provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (Feb. 4, 1919, c. 14, § 4, 40 Stat. 1056)

See note to § 2715b, ante.

§ 2715f. Bars or other insignia for additional acts of valor—No more than one medal of honor or one distinguished-service medal or one Navy cross shall be issued to any one person; but for each succeeding deed or service sufficient to justify the award of a medal of honor or a distinguished-service medal or Navy cross, respectively, the President may award a suitable bar, or other suitable emblem or insignia, to be worn with the decoration and the corresponding rosette or other device. (Feb. 4, 1919, c. 14, § 5, 40 Stat 1056)

See note to § 2715b, ante.

§ 2715g. Expenditure for medals, crosses, or other devices; replacement of lost medals, crosses, or devices—The Secretary of the Navy is hereby authorized to expend from the appropriation "Pay of the Navy" of the Navy Department so much as may be necessary to defray the cost of the medals of honor, distinguished-service medals, and Navy crosses, and bars, emblems, or insignia herein provided for, and so much as may be necessary to replace any medals, crosses, bars, emblems, or insignia as are herein or may heretofore have been provided for: Provided, That such replacement shall be made only in those cases where the medal of honor, distinguished-service medal, or Navy cross, or bar, emblem, or insignia presented under the provisions of this or any other Act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, and shall be made without charge therefor. (Feb 4, 1919, c. 14, § 6, 40 Stat 1056.)

See note to § 2715b, ante.

§ 2715h. Time limit on award of medals, crosses, or other devices—Except as otherwise prescribed herein, no medal of honor, distinguished-service medal, Navy cross, or bar or other suitable emblem or insignia in lieu of either of said medals or of said cross, shall be issued to any person after more than five years from the date of the act or service justifying the award thereof, nor unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made by his naval superior through official channels at the time of the act or service or within three years thereafter. (Feb. 4, 1919, c. 14, § 7, 40 Stat. 1057.)

See note to § 2715b, ante.

§ 2715i. Awards in case of death—In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled the award may nevertheless be made and the medal or cross or the bar or other emblem or insignia presented within five years from the date of the act or service justifying the award thereof to such representative of the deceased as the President may designate: Provided, That no medal or cross or no bar or other emblem or insignia shall be awarded or presented to any individual or to the representative of any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable: Provided further, That in cases of persons now in the naval service for whom the award of the medal of honor has been recommended in full compli-

ance with then existing regulations, but on account of services which, though insufficient fully to justify the award of the medal of honor, appears to have been such as to justify the award of the distinguished-service medal or Navy cross hereinbefore provided for, such cases may be considered and acted upon under the provisions of this Act authorizing the award of the distinguished-service medal and Navy cross notwithstanding that said services may have been rendered more than five years before said cases shall have been considered as authorized by this proviso, but all consideration or any action upon any of said cases shall be based exclusively upon official records now on file in the Navy Department (Feb. 4, 1919, c. 14, § 8, 40 Stat. 1057.)

See note to § 2715b, ante

§ 2715j. Delegation of power to make awards; rules and regulations—That the President be, and he hereby is, authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him by this Act to award the Navy cross; and he is further authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this Act and to execute the full purpose and intention thereof. (Feb. 4, 1919, c. 14, § 9, 40 Stat. 1057.)

See note to § 2715b, ante.

Chapter Five—The Naval Academy

§ 2726bb.

The Secretary of the Navy is authorized to appoint midshipmen from enlisted men of the Naval Reserve and Marine Corps Reserve by Act Feb. 28, 1925, c. 374, § 8, post § 2900½-8.

§ 2726c. Increase of number of midshipmen; further increase—Hereafter there shall be allowed at the United States Naval Academy five midshipmen for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Porto Rico, and five for the District of Columbia, fifteen appointed each year at large, and one hundred appointed annually from enlisted men of the Navy, and and members of the Naval Reserve Force on active duty, as now authorized by law. (Dec. 20, 1917, c. 5, § 1, 40 Stat. 430, amended, July 11, 1919, c. 9, 41 Stat. 140.)

This section was amended by a provision of Act July 11, 1919, c. 9, cited above, to read as set forth above. For this section as originally enacted, see U. S. Comp. St. 1918, § 2726c

The Navy Department and Naval Service appropriation act for the year 1926, Act Feb. 11, 1925, c. 209, 43 Stat 872, contains the following provision: "Pay of the Navy. * * That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to December 13, 1924, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of two midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: Provided further, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large or from the enlisted personnel of the naval service * *."

§ 2734a. [Repealed.]

This section, which was a provision of Act June 5, 1920, c. 253, § 1, 41 Stat. 1028, the third deficiency appropriation act for the fiscal year 1920, was repealed, and Rev. St. § 1519 (U. S. Comp. St. 1918, § 2734) restored to its full force and effect, by Act Oct. 22, 1921, c. 113, § 2, 42 Stat. 207. Section 1 of said Act Oct. 22, 1921, c. 113, reads as follows:

"The Secretary of the Navy is authorized, upon application, to admit to and reinstate in the United States Naval Academy, subject to examination as to physical qualifications, as provided by law, but waiving the provisions of law as to age requirements, all former midshipmen at the United States Naval Academy found deficient at the end of the first term of the academic year 1920-21 whose resignations were asked for and received by the Superintendent of the Naval Academy Provided, That they shall upon admission be placed in the class one year behind their former class in each case Provided further, That said midshipmen affected by this Act must signify their acceptance of the benefits thereof by presenting themselves for physical examination within one month of the date of its approval, and if found qualified will enter the Naval Academy immediately"

Said provision of said Act June 5, 1920, c. 253, § 1, read as follows

"Until otherwise provided by law no midshipman found deficient at the close of the last and succeeding academic terms shall be involuntarily discontinued at the Naval Academy or in the service unless he shall fail upon re-examination in the subjects in which found deficient at an examination to be held at the beginning of the next and succeeding academic terms, and the Secretary of the Navy shall provide for the special instruction of such midshipmen in the subjects in which found deficient during the period between academic terms."

§ 2740a. Credit to midshipmen for clothing and equipment issue—Hereafter each new midshipman shall, upon admission to the Naval Academy, be credited with the sum of $250 to cover the cost of his initial clothing and equipment issue, to be deducted subsequently from his pay. Provided further, That the foregoing proviso shall apply to midshipmen who enter the Naval Academy during the period between June 20, 1921, and the date of the approval of this Act (July 12, 1921, c. 44, § 1, 42 Stat. 131.)

From the Naval service appropriation act for the year 1922, cited above.

§ 2748a.

The Navy Department and Naval Service appropriation act for the year 1926, Act Feb. 11, 1925, c. 209, 43 Stat 878, contains the following "Naval Academy Pay, Naval Academy Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $236,900: Provided, That not more than $36,500 shall be paid for masters and instructors in swordmanship and physical training" * *.

§ 2748b. Professors and instructors; readjustment of rates of pay—The Secretary of the Navy is authorized in his discretion, to readjust the prevailing rates of pay of civilian professors and instructors at the United States Naval Academy: Provided, That said readjustment, which shall be effective from January 1, 1920, shall not involve an additional expenditure in excess of $55,000 for the remainder of the current fiscal year. (May 18, 1920, c. 190, § 7, 41 Stat. 603.)

This section is § 7 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above.

See ante, § 2089a(1).

§ 2748c. Reduction of number of civilian professors or instructors—Until June 30, 1925, if for any cause the number of civilian professors or instructors, employed in the United States Naval Academy on January 1, 1924, shall be reduced after such latter date, no commissioned officer of the Navy shall be detailed or allowed to teach the subject or subjects theretofore taught by such civilian professors or instructors whose service connection with the Academy may have been so terminated: Provided, That in reducing the number of civilian professors no existing contract shall be violated: Provided further, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed. (May 28, 1924, c. 203, 43 Stat. 200.)

From the Navy Department and Naval Service appropriation act for the year 1925, cited above.

§ 2751a. Midshipmen's store; dairy farm part of—That those portions of the Acts of August 29, 1916, and March 28, 1918, which require the ultimate return to the United States of advances aggregating $155,000 made to the midshipmen's store fund at the Naval Academy be, and the same are hereby, repealed: Provided, That the dairy and farm, cattle and work

animals, machinery and implements, buildings, and other stock, equipment, and supplies heretofore purchased from the funds so advanced shall become and remain the property of the United States. Provided further, That the dairy farm shall be continued and operated as an activity of the midshipmen's store. (March 4, 1925, c 536, § 26, 43 Stat 1278)

This section is section 26 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above. This section is preceded by the following heading

"To relieve the United States Naval Academy from its obligation to Reimburse the Treasury for the amount of $155,000"

The portions of the acts mentioned in this section are a provision of Act Aug 29, 1916, c 417, 39 Stat 603, which appropriated $100,000 for the purchase of land, etc., for the Naval Academy dairy farm, and provided that such appropriation should be treated as an advance to the midshipmen's store fund at the Academy, to be ultimately returned to the United States, and a provision of Act March 28, 1918, c 28, § 1, 40 Stat 489, which made another appropriation of $55,000 for the farm, to be also returned to the United States.

§ **2758a. Band**—The Naval Academy Band shall hereafter consist of one leader, with pay and allowances of first lieutenant in the Marine Corps; one second leader, with a base pay of $81 per month, forty-five musicians, first class, with a base pay of $51 per month; twenty-seven musicians, second class, with a base pay of $44 per month; one drum major, with a base pay of $57 20 per month, and the said leader of the band, second leader of the band, drum major of the band, and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are or may hereafter become applicable to other officers or enlisted men of the Navy. (July 11, 1919, c. 9, 41 Stat. 152.)

From the Naval appropriation act for the year 1920, cited above It probably supersedes Act April 12, 1910, c. 157, § 1, 36 Stat 297. The provisions of this section as to pay are superseded by § 2758aa, post.

§ **2758aa. Pay of Naval Academy Band**—Naval Academy Band. The pay and allowances of the members of the Naval Academy Band shall be those provided for enlisted men of the Navy by the Act of June 10, 1922, except that the second leader shall receive the pay and allowances provided in said Act for warrant officers of the Navy of corresponding length of service: Provided, That nothing in this Act shall operate to reduce the pay that any member of the Naval Academy Band was in receipt of on June 30, 1922, nor to deprive him of credit for any service with which he was then entitled to be credited. (March 4, 1925, c. 536, § 18, 43 Stat. 1275.)

This section is section 18 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above. It supersedes (as to pay) § 2758a, and a provision of Act May 18, 1920, c 190, § 6, 41 Stat 602, which read as follows: "The rate of base pay for each rating in the Naval Academy Band shall be as follows: Second leader, with acting appointment, $99 per month, with permanent appointment, $126 per month; drum major, $84 per month; musicians, first class, $72 per month; musicians, second class, $60 per month." See ante, note to § 2089a(1).

Chapter Six—Vessels and Navy-Yards and Naval Stations

§ **2776a. Salvage service**—Hereafter the Secretary of the Navy is authorized to cause vessels under his control adapted to the purpose, to afford salvage service to public or private vessels in distress: Provided, That when such salvage service is rendered by a vessel specially equipped for the purpose or by a tug, the Secretary of the Navy may determine and collect reasonable compensation therefor. (July 1, 1918, c. 114, 40 Stat. 705.)

From the Naval appropriation act for the year 1919, cited above.

§ **2804bbb. Acquisition of land for naval purposes at Cape May**—That the Secretary of the Navy be, and he is hereby, authorized to acquire, by purchase or condemnation, including all easements, riparian and other rights appurtenant thereto, for use for naval purposes, the tract of land situate at Cape May, New Jersey, lying between Princeton and Kansas Avenues and the water front and Cape May Avenue, comprising, exclusive of Pennsylvania Avenue, which intersects the tract and is to remain a public thoroughfare, approximately fifty-seven and seventy-three one-hundredths acres, or such enlarged area for which he may be able to contract within the appropriation, and there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the acquisition of said property and of all easements, riparian and other rights appurtenant thereto, the sum of $150,000: Provided, That the Secretary of the Navy shall authorize the payment of no part of this sum, except for perfecting the title and dredging Cold Spring Harbor and the entrance thereto, in order to make it more available for naval purposes: And provided further, That the Secretary of the Navy be, and he is hereby, empowered in his discretion to acquire, if possible, additional acreage without increased cost and within the appropriation herein authorized, and to exact guarantees for the maintenance of the electric railway now running through the above-described land; and power is hereby conferred upon the Secretary of the Navy to condemn the said tract of land for naval, aviation, and kindred purposes on the New Jersey coast adjacent to Cold Spring Harbor; and the Secretary of the Navy is hereby directed, in conducting his negotiations with the Cape May Real Estate Company, to maintain intact the obligation existing between the United States and the Cape May Real Estate Company, executed by the said company June twenty-fifth, nineteen hundred and seven; and that this contract shall not be regarded as a waiver of either the obligation of the company or the rights of the United States. And provided further, That in the event the Secretary of the Navy is unable satisfactorily to consummate the negotiations for the purchase thereof under the provisions of said Act approved October sixth, nineteen hundred and seventeen, the President is hereby authorized and empowered to take over for and in behalf of the United States the immediate possession of and title to such land, including all easements, rights of way, riparian and other rights appurtenant or appertaining thereto deemed by him to be necessary for the purposes aforesaid, and to make compensation therefor under the terms and provisions of the legislation contained in this Act; and the appropriation of $150,000 appropriated in said Act, approved October sixth, nineteen hundred and seventeen, or so much thereof as may be necessary, is hereby made available for the payment of compensation for said property so taken over by the President. (Oct. 6, 1917, c 77, 40 Stat. 344, amended, July 1, 1918, c 114, 40 Stat. 720.)

This section was amended by Act July 1, 1918, c. 114, cited above, by adding thereto the last proviso, as set forth above.

§ **2804ee. Radio station in Porto Rico**—That as consideration for a suitable site and requisite rights, privileges, and easements for a receiving and distant-control radio station in Porto Rico the Secretary of the Navy be, and he hereby is, authorized to exchange or lease for such period as he may deem proper any land under naval control in Porto Rico not otherwise required for naval purposes: Provided, That in time of war or national emergency, if necessary, the Navy Department shall have without cost free and unlimited use of any land so exchanged or leased. (July 12, 1921, c. 44, § 5, 42 Stat 139)

From the Naval service appropriation act for the year 1922, cited above.

§ 2804g. Leases of water-front property—The Secretary of the Navy is authorized in leasing water-front property from any State or municipality where the State law or charter of the municipality requires that the improvements placed upon leased lands shall at the termination of the lease become the property of the State or municipality, to provide, as a part or all of the consideration thereof, that improvements placed thereon by the United States shall become the property of the lessor upon the expiration of the lease or any renewal thereof. (July 1, 1918, c. 114, 40 Stat. 705.)

From the Naval appropriation act for the year 1919, cited above

§ 2804h. Purchase of vessels for transportation of fuel—When, in the opinion of the President, the prices asked for the charter of vessels for the transportation of fuel are excessive, he is authorized to purchase vessels suitable for the purpose, and, if money is not otherwise available, to pay for them from the appropriation "Fuel and transportation." (July 1, 1918, c. 114, 40 Stat. 730.)

This section is a provision accompanying an appropriation for fuel and the transportation thereof in the Naval appropriation act for the year 1919, cited above.

§ 2804hh. Selection of coal lands in Alaska—Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $17,500,000: Provided, That $1,000,000 of this appropriation shall be available for use, in the discretion of the Secretary of the Navy, in mining coal or contracting for the same in Alaska, the transportation of the same and the construction of coal bunkers and the necessary docks for use in supplying ships therewith; and the Secretary of the Navy is hereby authorized to select from the public coal lands in Alaska such areas as may be necessary for use by him for the purposes stated herein. (July 12, 1921, c. 44, § 1, 42 Stat. 133.)

From the Naval service appropriation act for the year 1922, cited above. These provisions are contained in prior acts

§ 2804i. Naval petroleum reserves; Secretary of Navy to take possession of, conserve, develop, use, operate, or lease; rights of claimants under Act Feb. 25, 1920, c. 85; royalties; reimbursement of appropriation—The Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of an Act of Congress approved February 25, 1920, entitled "An Act to provide for the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States: And provided further, That the rights of any claimant under said Act of February 25, 1920, are not affected adversely thereby: And provided further, That such sums as have been or may be turned into the Treasury of the United States from royalties on lands within the naval petroleum reserves prior to July 1, 1921, not to exceed $500,000, are hereby made available for this purpose until July 1, 1922: Provided further, That this appropriation shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at such rate, not in excess of the market value of the oil, as the Secretary of the Navy may direct (June 4, 1920, c. 228, § 1, 41 Stat. 813.)

This section is a part of § 1 of the Naval appropriation act for the fiscal year 1921, cited above, following an appropriation therein for the investigation of fuel oil and other fuel

§ 2804j. Preservation of the frigate Constitution—The Secretary of the Navy is hereby authorized to repair, equip, and restore the frigate Constitution, as far as may be practicable, to her original condition, but not for active service: Provided, That the Secretary of the Navy is further authorized to accept and use any donations or contributions which may be offered for the aforesaid purpose (March 4, 1925, c. 536, § 28, 43 Stat. 1278.)

This section is section 28 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Seven—General Provisions Relating to the Navy

§ 2809aa. Issue of fuel—Fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased. (May 28, 1924, c. 203, 43 Stat. 195; Feb. 11, 1925, c. 209, 43 Stat. 874.)

From the Navy Department and Naval Service appropriation act for the year 1925, cited above. The same provision is contained in prior acts.

§ 2809b. Same—The President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last-issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive. (May 28, 1924, c. 203, 43 Stat. 195; Feb. 11, 1925, c. 209, 43 Stat. 874.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 2811a. Sale of excess stocks; credit for net losses—The accounting officers of the Treasury are authorized and directed to credit "General account of advances" with the amount of the net losses which may be certified by the Paymaster General of the Navy as having been incurred in disposing of excess stocks in the naval supply account. (July 12, 1921, c. 44, § 1, 42 Stat. 132.)

From the Naval service appropriation act for the year 1922, cited above. This provision is contained in prior acts.

§ 2811b. Permanent special working fund; charges against and credits to—The Secretary of the Treasury is authorized and directed to transfer from the naval supply account fund an amount not exceeding $100,000 for the establishment of a permanent special working fund, which shall be charged with the net proceeds of all sales of surplus and condemned stores; with refunds to bidders at sales and to special depositors; and with all labor, overhead, material, and services incident to work done not chargeable to naval appropriations; and which shall be credited with all funds received as payment or advances for surplus stores, for condemned stores, and for all expenses incident to work not chargeable to naval appropriations. (May 28, 1924, c. 203, 43 Stat. 195.)

From the Navy Department and Naval Service appropriation act for the year 1925, cited above.

§ 2813ccc. Detail to service with Republics of South America—That the President of the United States be, and he is hereby, authorized, upon application from the foreign Governments concerned, and whenever in his discretion the public interests re-

quire, to detail officers of the United States naval service to assist the Governments of the Republics of South America in naval matters Provided, That the officers so detailed be, and they are hereby, authorized to accept offices from the Government to which detailed with such compensation and emoluments therefor as may be first approved by the Secretary of the Navy: Provided further, That while so detailed such officers shall receive, in addition to the compensation and emoluments allowed them by such Governments, the pay and allowances of their rank in the United States naval service, and they shall be entitled to the same credit while so detailed for longevity, retirement, and for all other purposes that they would receive if they were serving with the United States naval service. (June 5, 1920, c. 261, 41 Stat 1056)

This section is an act entitled "An act to authorize officials of the naval service to accept offices with compensation and emoluments from Governments of the Republics of South America," cited above

§ 2813cccc. Detail of enlisted men to Bureau of Navigation—There may be detailed to the Bureau of Navigation not to exceed at any one time twenty-four enlisted men of the Navy. (Jan. 22, 1923, c 28, 42 Stat. 1154. May 28, 1924, c. 203, 43 Stat. 204. Feb. 11, 1925, c 209, 43 Stat. 881.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. A somewhat similar provision is contained in prior acts

§ 2813ccccc. Detail of enlisted men to Naval Dispensary and Radio Communication Service—Enlisted men detailed to the Naval Dispensary and the Radio Communication Service shall not be regarded as detailed to the Navy Department in the District of Columbia. (Jan. 22, 1923, c. 28, 42 Stat. 1154 May 28, 1924, c. 203, 43 Stat. 204. Feb. 11, 1925, c. 209, 43 Stat. 881)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2813f. United States Navy Band—United States Navy Band Hereafter the band now stationed at the navy yard, Washington, District of Columbia, and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy. Provided, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: Provided further, That no back pay or allowances shall be allowed to this leader by reason of the passage of this Act: And provided further, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances. (March 4, 1925, c 536, § 17, 43 Stat. 1275.)

This section is § 17 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2813g. Relief of contractors—That the Secretary of the Navy be, and he is hereby, authorized and directed to make thorough investigation of the merits of the claims (including claims for release from Government claims for liquidated damages, but excluding claims in cases where a full, final, unqualified release has been given the United States) which may be submitted to him in writing within six months after the passage of this Act, and verified under oath, for any loss alleged to have been caused to any of such claimants in the performance of any fixed price (including fixed unit price) contract with the United States through the Secretary of the Navy, or the Navy Department, from April 6, 1917, to November 11, 1918, inclusive, or in the performance of that portion of any such contract previously entered into which remained uncompleted on April 6, 1917, which loss was occasioned by the action of any Government agency by reason of priority orders for material, or transportation, commandeering of property, or other order of Government authority not authorized by the contract on or between March 4, 1917, and November 11, 1918, inclusive

The Secretary of the Navy shall submit estimates of appropriations required to satisfy such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so communicated shall not be construed as imposing any obligation upon the Government or releasing any claim or rights of the Government

No claim shall be considered under this authorization for alleged losses on account of increases in wages until a claimant shall have established proof to the satisfaction of the Secretary of the Navy that he actually paid his employees the award ordered or recommended by the Macy Board or other Government agency and that his entire volume of business with the Government during the period covered by the claim did not yield a net profit.

In the performance of the duties imposed by this section the Secretary of the Navy is authorized to summon witnesses and examine them under oath, to require claimants to exhibit their books and papers, and to have access to and the right to examine pertinent income-tax returns and other financial reports of such claimants as may be in the custody of the Secretary of the Treasury. (March 4, 1925, c. 536, § 8, 43 Stat 1273)

This section is section 8 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Eight—Pay, Emoluments, and Allowances

The Navy Department and naval service appropriation act for the year 1926, Act Feb. 11, 1925, c 209, 43 Stat 862, contains the following: "Pay, miscellaneous * * That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base * *

"Bureau of Supplies and Accounts, Pay of the Navy * * And the money herein specifically appropriated for 'Pay of the Navy,' shall be disbursed and accounted for in accordance with existing law as 'Pay of the Navy,' and for that purpose shall constitute one fund" * *

§ 2815a. (a) Rates of pay; pay periods—Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000, the fifth period, $3,500; and the sixth period, $4,000.

(b) Pay of sixth period; to whom payable—The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, Act of June 3, 1916, as amended by the Act of June 4, 1920; the officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the

Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army

(c) Pay of fifth period; to whom payable—The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service Provided, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service

(d) Pay of fourth period; to whom payable—The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

(e) Pay of third period; to whom payable—The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

(f) Pay of second period; to whom payable—The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

(g) Pay of first period; to whom payable—The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

(h) Pay of certain officers during existence of state of war—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

(i) Increase for length of service; maximum; no increase of pay of officers or warrant officers on retired list—Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years Provided, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750. Nothing contained in the first sentence of section 17 or in any other section of this Act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

(j) Service to be computed for pay purposes—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers in the service on June 30, 1922, there shall be included in the computation all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation.

(k) Pay of persons serving, not as commissioned officers, but whose pay is equivalent to that of commissioned officers of certain enumerated grades; pay of contract surgeons; pay of certain commissioned warrant officers—The provisions of this Act shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the title of this Act, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. Pay clerks of the Marine Corps shall receive the pay of second lieutenants of the Army of the same length of service. Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after twelve years' commissioned service, receive the pay of the third period: Provided, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by

reason of such promotion. * * * (June 10, 1922, c. 212, § 1, 42 Stat 625)

This section, and §§ 2815a(1)-2815a(10) 2815a(11), 2815a (11a), 2815a(11b), 2815a(12), 2815a(13)-2815a(16), 2815a(17), 2815a(18), 2815a(19)-2815a(22), post, are §§ 1-13, 15-18, 20-22 of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above, as amended Section 14 relates only to the National Guard, and is set forth post, §§ 3044uu, 3044v(1), section 19 relates only to the cadets at the Military Academy and cadet engineers of the Coast Guard, and is set forth ante, § 2266a, and post, § 8459½a (3x).

The omitted portion of this paragraph relates to the allowances to Army field clerks and field clerks, Quartermasters Corps, ante, § 2089a (1), par (k).

This act, or such portions of it as are applicable, is also set forth ante, under the title "The Army," and post, under the titles "The Militia," "The Coast Guard," "The Coast and Geodetic Survey," and "The Public Health Service"

§ 2815a(1). Same; no increase of pay for field or sea duty—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c. 212, § 2, 42 Stat 627)

See note to § 2815a, ante.

§ 2815a(2). Rates of pay; pay of officers of reserve forces authorized to receive Federal pay; increase of pay of such officers—When officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in the tenth paragraph of section 1. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this Act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627, amended, May 31, 1924, c. 224, § 1, 43 Stat. 250.)

This section was amended by Act May 31, 1924, c. 224, § 1, cited above, by adding the second sentence as set forth above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922 See note to § 2815a, ante.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve by section 1 of Act Feb 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat 1080. By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c 18, 40 Stat. 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c 114, 30 Stat 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2815a(3). Allowances; "dependent" defined—The term "dependent" as used in the succeeding sections of this Act shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c. 212, § 4, 42 Stat. 627.)

See note to § 2815a, ante

§ 2815a(4). Same; money allowance for subsistence—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: Provided, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c. 212, § 5, 42 Stat. 628.)

See note to § 2815a, ante.

§ 2815a(5). Same; money allowances for rental of quarters—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters. The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year as compared with rents for the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer receiving the base pay of the second period the

amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms.

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms

No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of rooms would be adequate for the occupancy of the officer and his dependents.

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof. (June 10, 1922, c. 212, § 6, 42 Stat 628, amended, May 31, 1924, c. 224, § 2, 43 Stat. 250.)

This section was amended by Act May 31, 1924, c 224, § 2, cited above, to read as set forth above As originally enacted this section read as follows

"Each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty."

Section 7 of the amendatory act provides that the act shall be effective from and after July 1, 1922. See note to § 2815a, ante.

§ 2815a(6). Rates of pay; maximum amount base pay, pay for length of service, and allowances for subsistence and rental of quarters—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this Act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200: Provided, That this section shall not apply to the Captain Commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey. (June 10, 1922, c 212, § 7, 42 Stat 628)

See note to § 2815a, ante

§ 2815a(7). Same; base pay and money allowances for subsistence and rental of quarters of brigadier generals, major generals, rear admirals and commodores; maximum—Commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000, and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the sixth period: Provided, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively. Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500; when serving in the grade of admiral or as Chief of Naval Operations, $2,200. (June 10, 1922, c. 212, § 8, 42 Stat. 629.)

See note to § 2815a, ante.

§ 2815a(8). Same; base pay of warrant officers of Marine Corps; increase for service; reenlistment allowances; retired pay of enlisted men—Commencing July 1, 1922, the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps shall be as follows: Warrant officers of the Army and Marine Corps, $148; warrant officers, Army Mine Planter Service, master, $185; first mate, $141; second mate, $109; engineer, $175; assistant engineer, $120; enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21; and the pay for specialists' ratings shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Existing laws authorizing continuous-service pay for each five years of service are hereby repealed, effective June 30, 1922. Commencing July 1, 1922, warrant officers of the Army and Marine Corps, including warrant officers of the Army Mine Planter Service and enlisted men of the Army and Marine Corps, shall receive, as a permanent addition to their pay, an increase of 5 per centum of their base pay for each four years of service in any of the services mentioned in the title of this Act not to exceed 25 per centum. On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years

served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Marine Corps Reserve On and after July 1, 1922, retired enlisted men of the Army and Marine Corps shall have their retired pay computed as now authorized by law on the basis of pay provided in this Act. (June 10, 1922, c. 212, § 9, 42 Stat 629)

See note to § 2815a, ante

§ 2815a(9). Same; base pay of warrant officers—On and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first six years of service—at sea, $153; on shore, $135; during the second six years of service—at sea, $168, on shore, $147, after twelve years' service—at sea, $189; on shore, $168. On and after July 1, 1922, for purposes of pay, enlisted men of the Navy and Coast Guard shall be distributed in seven grades, with monthly base rates of pay as follows: First grade, $126, second grade, $84, third grade, $72, fourth grade, $60, fifth grade, $54, sixth grade, $36; seventh grade, $21 Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $99. (June 10, 1922, c. 212, § 10, 42 Stat. 630.)

See note to § 2815a, ante

Act May 18, 1920, c. 190, § 3, 41 Stat. 602, reads as follows:

"Commencing January 1, 1920, warrant officers of the Navy shall be paid, in addition to all pay and allowances now allowed by law, an increase at the rate of $240 per annum"

§ 2815a(10). Same; pay grade for various ratings of enlisted men; increase for length of service—The Secretary of the Navy is authorized to fix the pay grade for the various ratings of enlisted men of the Navy; and the Secretary of the Treasury is authorized to fix the pay grade for the various ratings of enlisted men of the Coast Guard. Mates shall receive the pay of enlisted men of the first grade of the Navy. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve In lieu of all permanent additions to pay now authorized for enlisted men of the Navy and Coast Guard, they shall receive, as a permanent addition to their pay, an increase of 10 per centum on the base pay of their rating upon completion of the first four years of enlisted service, and an additional increase of 5 per centum for each four years' service thereafter, the total not to exceed 25 per centum. All transient additions to pay of enlisted men of the Navy and Coast Guard are hereby repealed, except as provided for in section 21 of this Act. (June 10, 1922, c. 212, § 10, 42 Stat. 630.)

See note to § 2815a, ante.

The Naval appropriation act for the year 1920, Act July 11, 1919, c. 9, 41 Stat. 140, contained the following provision.

"The rates of pay prescribed in section 15 of an Act entitled 'An Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes,' approved May 22, 1917, are hereby made the permanent rates of pay of the enlisted men of the Navy during their present current enlistment and for those who enlist or reenlist prior to July 1, 1920, for the term of such enlistment or reenlistment."

Act May 18, 1920, c. 190, § 6, 41 Stat. 602, contained the following provisions: "Commencing January 1, 1920, the following shall be the rate of base pay for each enlisted rating: Chief petty officers with acting appointments, $99 per month, chief petty officers with permanent appointments and mates, $126 per month, petty officers, first class, $84 per month, petty officers, second class, $72 per month, petty officers, third class, $60 per month, nonrated men, first class, $54 per month, nonrated men, second class, $48 per month, nonrated men, third class, $33 per month Provided, That the base pay of firemen, first class, shall be $60 per month, firemen, second class, $54 per month; firemen, third class, $18 per month. * * Provided further, That the base pay of cabin stewards and cabin cooks shall be $84 per month; wardroom stewards and wardroom cooks, $72 per month, steerage stewards and steerage cooks, $72 per month, warrant officers' stewards and warrant officers' cooks, $60 per month, mess attendants, first class, $42 per month, mess attendants, second class, $36 per month, mess attendants, third class, $33 per month * * Provided further, That the rates of base pay herein fixed shall not be further increased 10 per centum as authorized by an Act approved May 13, 1908, nor by the temporary war increases as authorized by section 15 of the Act approved May 22, 1917, as amended by the Act approved July 11, 1919"

The Naval Reserve Force, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve by section 1 of Act Feb 28, 1925, c 374, 43 Stat 1080 The United States Marine Corps Reserve, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c 374, 43 Stat 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c. 18, 40 Stat 84, Act May 22, 1917, c. 20, 40 Stat 84, Act July 1, 1918, c 114, 30 Stat. 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2815a(10a). Pay of men transferred from regular Navy to Fleet Naval Reserve and reenlisted in Navy—All men transferred from the Regular Navy to the Fleet Naval Reserve, who have heretofore reenlisted in the Navy, shall, from the date of reenlistment, be credited with pay, including subsequent increases therein, at the same rate, exclusive of retainer pay, that they were receiving when on active duty in the Navy as members of the Fleet Naval Reserve prior to date of reenlistment in the Navy. (March 4, 1925, c. 536, § 1, 43 Stat. 1269)

This section is a part of § 1 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2815a(10b). Pay of enlisted men of Navy or Marine Corps discharged and enrolled in Naval Reserve Force of Marine Corps Reserve who reenlisted in Navy and subsequently enrolled in Naval Reserve Force or Marine Corps Reserve—Any enlisted man of the Navy or Marine Corps who has been discharged to enable him to be enrolled in the Naval Reserve Force or Marine Corps Reserve as a commissioned or warrant officer, and who has heretofore reenlisted in the Navy within four months from the date of termination of his service as an officer in the Naval Reserve Force or Marine Corps Reserve, shall be restored to the grade, rank, or rating held by him at time of discharge from the Navy to permit enrollment in the Naval Reserve Force or Marine Corps Reserve, and he shall be entitled from the date he has heretofore so reenlisted to the same rate of pay,

including subsequent increases therein, as he was receiving at time of discharge from the Navy to permit enrollment in the Naval Reserve Force. (March 4, 1925, c. 536, § 1, 43 Stat. 1269)

This section is a part of section 1 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2815a(11). Same rates of pay of insular force of Navy; reenlistment gratuity laws repealed; enlistment allowances; retired pay of enlisted men—The rates of pay of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding ratings Existing laws authorizing a reenlistment gratuity to enlisted men of the Navy and Coast Guard are hereby repealed, and an enlistment allowance equal to $50 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $200, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $100, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. On and after July 1, 1922, retired enlisted men of the Navy and Coast Guard shall have their retired pay computed as now authorized by law on the basis of pay provided by this Act. (June 10, 1922, c. 212, § 10, 42 Stat. 630)

See note to § 2815a, ante.

§ 2815a(11a). Same; retainer pay of men transferred to Fleet Naval Reserve or Fleet Marine Corps Reserve—The retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserve shall be computed on the rates of pay authorized for enlisted men of the naval service by the Act approved June 10, 1922: Provided, That the retainer pay of such reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c. 212, § 10, amended, May 31, 1924, c. 224, § 3, 43 Stat 251.)

This section, and the section next following were added as an amendment to section 10 of Act June 10, 1922, c 212 by Act May 31, 1924, c 224, § 3, cited above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 30 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations See §§ 2900½-1 to 2900½-10, and notes thereunder.

§ 2815a(11b). Same; credit to enlisted men of service as warrant or commissioned officers—All enlisted men of all the services mentioned in the title of this Act who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computation of their enlisted service for longevity pay purposes, and shall be paid accordingly. (June 10, 1922, c. 212, § 10, amended, May 31, 1924, c. 224, § 3, 43 Stat 251)

See note to § 2815a(11a), ante

The Naval Reserve Force, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat. 1080 The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c 374, 43 Stat 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 22, 1917, c. 20, 40 Stat 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c. 212, 42 Stat 625, relating to such organizations. See §§ 2900½ 1 to 2900½-10, and notes thereunder.

§ 2815a(11c). Pay, etc., of certain enlisted men discharged from Navy for enrollment in Naval Reserve Force transferred to regular Navy to serve unexpired portion of enrollment—Any enlisted man who was discharged from the Navy to enable him to be enrolled in the Naval Reserve Force in a commissioned rank, who was thereafter at his own request reduced to the same rating in the Naval Reserve Force as held by him at the time of his discharge from the Navy, and transferred to the regular Navy to serve the unexpired portion of his enrollment, in accordance with the Act approved July 11, 1919, shall be entitled, from the date he was so transferred and so long as he shall continue in the naval service to the same rate of pay and other benefits that would have been received by him if he had not been discharged from the Navy to permit enrollment in the Naval Reserve Force. (March 4, 1925, c. 536, § 1, 43 Stat. 1270.)

This section is a part of section 1 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2815a(12). Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; subsistence for pilots; commutation of rations of enlisted men—Warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in sec-

tion 6 of this Act for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $4 per day. These regulations shall be uniform for all the services mentioned in the title of this Act Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law. (June 10, 1922, c. 212, § 11, 42 Stat 630)

See note to § 2815a, ante

§ 2815a(12½). Money allowances for subsistence and rental of quarters to reserve officers and reserve warrant officers while on active duty—Officers and warrant officers of the National Guard while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat. 1507.)

This section is § 1 of an act entitled "An act to extend the benefits of § 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For sections 5, 6, and 11 of Act June 10, 1922, c 212, mentioned in this section, see ante, §§ 2815a(4), 2815a(5), and 2815a(12).

§ 2815a(13). Mileage allowance to officers; travel expenses—Officers of any of the services mentioned in the title of this Act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

See note to § 2815a, ante.

The Navy Department and naval service appropriation act for the year 1926, Act Feb. 11, 1925, c. 209, 43 Stat. 864, contains the following provisions:

"Bureau of Navigation. Transportation and Recruiting. For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy and Naval Reserve Force while traveling under orders, and officers performing travel by Government-owned vessels for which no transportation fare is charged, shall only be entitled to reimbursement of actual and necessary expenses incurred * *

"Marine Corps. * * Mileage. * * Provided, That officers performing travel by Government-owned vessels for which no transportation fare is charged, shall only be entitled to reimbursement of actual and necessary expenses incurred"

§ 2815a(14). Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel—In lieu of the transportation in kind authorized by section 12 of an Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed Dependent children shall be such as are defined in section 4 of this Act. (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

See note to § 2815a, ante.

§ 2815a(15). Rates of pay; female nurses; money allowances to superintendents of Nurse Corps, assistant superintendents, directors, and chief nurses; allowances to nurses for subsistence and rental of quarters—Commencing July 1, 1922, the annual pay of female nurses of the Army and Navy shall be as follows. During the first three years of service, $840; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,080; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,380; from the beginning of the tenth year of service, $1,560. Superintendents of the Nurse Corps shall receive a money allowance at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their pay as nurses. Nurses shall be entitled to the same allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the first period, and to the same allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the first period. (June 10, 1922, c. 212, § 13, 42 Stat. 631.)

See note to § 2815a, ante.

§ 2815a(16). Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed—Existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1, 1922. (June 10, 1922, c. 212, § 15, 42 Stat. 632.)

See note to § 2815a, ante.

§ 2815a(16½). Heat or light in kind prohibited to persons receiving allowance for rental of quarters—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Sur-

vey, and Public Health Service," approved June 10, 1922 (March 2, 1923, c. 178, title I, 42 Stat 1385)

From the War Department appropriation act for the year 1921, cited above.

§ 2815a(17). Rates of pay; existing pay of officers and persons whose pay is based upon pay of commissioned officers not reduced; total of existing pay and allowances of enlisted men not reduced—Nothing contained in this Act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, and nothing contained in this Act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer. (June 10, 1922, c 212, § 16, 42 Stat 632.)

See note to § 2815a, ante

§ 2815a(18). Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers, warrant officers and enlisted men when on active duty—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this Act. Provided, That nothing contained in this Act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this Act. Provided, That the pay saved to an officer by section 16 of this Act or by the Act of September 14, 1922, shall be construed as the pay provided in this Act for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. * * Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances. (June 10, 1922, c. 212, § 17, 42 Stat. 632, amended, May 31, 1924, c. 224, § 6, 43 Stat. 252.)

This section was amended by Act May 31, 1924, c. 224, § 6, cited above, by adding the second proviso as set forth above Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

The omitted portion of this section relates only to officers of the Philippine Scouts, and is set forth ante, § 2089a (1/5).

See note to § 2815a, ante

§ 2815a(18¼). Per diem to officers and enlisted men of Navy and Marine Corps making aerial surveys of rivers, harbors, etc.—To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: Provided, That not more than one of the per diem allowances authorized in this section shall be paid for any one day. (March 3, 1925, c. 467, § 5, 43 Stat 1190)

This section is a part of section 5 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above

§ 2815a(19). Additional pay to enlisted men for special qualifications; laws repealed—Under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments, or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect July 1, 1922. (June 10, 1922, c. 212, § 18, 42 Stat 632)

See note to § 2815a, ante

§ 2815a(20). Increase of pay of officers, warrant officers and enlisted men detailed for duty involving flying; number detailed—All officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army. Exclusive of the Army Air Service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this Act detailed to duty involving flying shall not at any one time exceed one-half of 1 per centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the National Defense Act, as amended, and of the reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and when such flying duty involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned. (June 10, 1922, c 212, § 20, 42 Stat. 632, amended, May 31, 1924, c. 224, § 4, 43 Stat. 251.)

This section was amended by Act May 31, 1924, c. 224, § 4, cited above, by striking out the last sentence and inserting in lieu thereof that part of the section as set forth above beginning with the words "Officers, warrant officers, and enlisted men of the National Guard," etc. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922. See note to § 2815a, ante.

§ 2815a(21). Existing laws and regulations governing pay and allowances of flying cadets, etc., not affected by act—Nothing in this Act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant offi-

cers and enlisted men; nor additional pay for aides; nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: Provided, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c 212, § 21, 42 Stat. 633, amended, May 31, 1924, c. 224, § 5, 43 Stat. 251)

This section was amended by Act May 31, 1924, c 224, § 5, cited above, by adding the proviso as set forth above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922 See note to § 2815a, ante.

§ 2815a(22). Time of taking effect of act; inconsistent laws repealed—The provisions of this Act shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date. (June 10, 1922, c. 212, § 22, 42 Stat. 633)

See note to § 2815a, ante.

§ 2815a(23). Pay of officers of naval service detailed to duty as assistant to chief of Bureau of Navy Department or as assistant to Judge Advocate General of Navy—Hereafter any officer of the Naval service who is, pursuant to law, detailed to duty as assistant to a chief of bureau of the Navy Department or as assistant to the Judge Advocate General of the Navy, shall, while so serving, receive the highest pay of his rank. (March 4, 1925, c. 536, § 15, 43 Stat. 1275.)

This paragraph is a part of section 15 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above This section is preceded by the following heading "Settlement of accounts of disbursing officers of the Navy" The first part of said section 15 reads as follows.

"That the Comptroller General of the United States is hereby authorized and directed to allow amounts credited, prior to his decision of May 20, 1922, as the 'highest pay of his grade,' to the officers detailed as assistants to the Chiefs of Bureaus of Supplies and Accounts and Medicine and Surgery."

§ 2817a. Longevity pay; credit for service in Coast Guard and Revenue-Cutter Service—For the purposes of computing longevity pay and retirement privileges of officers and enlisted men of the Navy, all creditable service in the Coast Guard and former Revenue-Cutter Service shall be counted. (June 4, 1920, c. 228, § 3, 41 Stat. 835.)

This section is a part of § 3 of the Naval appropriation act for the fiscal year 1921, cited above.

§ 2817aa. Credit to certain officers with active duty performed since retirement [in computing longevity pay]—All retired commissioned and warrant officers of the United States Navy and Marine Corps who served on active duty in the Navy and Marine Corps of the United States during the World War shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay. (March 4, 1925, c. 536, § 3, 43 Stat. 1271.)

This paragraph is section 3 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2827a. Mileage of midshipmen—For mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen (May 28, 1924, c 203, 43 Stat. 183. Feb 11, 1925, c. 209, 43 Stat. 864)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 2833a. Pay of officer of Navy or Marine Corps on leave of absence and engaged in service other than that of Government—No officer of the Navy or Marine Corps, while on leave of absence engaged in a service other than that of the Government of the United States, shall be entitled to any pay or allowances for a period in excess of that for which he is entitled to full pay, unless the President otherwise directs. (May 28, 1924, c. 203, 43 Stat. 202 Feb. 11, 1925, c 209, 43 Stat 879)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2843. [Superseded.]

This section, a provision of Act May 13, 1908, c 166, 35 Stat. 128, prescribing the pay and allowances of Chiefs of Bureaus in the Navy Department, was superseded by a provision of Act July 1, 1918, c 114, post, § 2843aa

§ 2843aa. Pay and allowances of chiefs of bureaus—Hereafter chiefs of bureaus of the Navy Department, including the Judge Advocate General of the Navy, shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the War Department and the Judge Advocate General of the Army. (July 1, 1918, c. 114, 40 Stat. 717.)

From the Naval appropriation act for the year 1919, cited above

§ 2851aa. Assignment of quarters or commutation thereof—Hereafter the Secretary of the Navy may determine where and when there are no public quarters available for persons in the Navy and Marine Corps, or serving therewith, within the meaning of any Acts or parts of Acts relating to the assignment of quarters or commutation therefor. (July 1, 1918, c. 114, 40 Stat. 718.)

From the Naval appropriation act for the year 1919, cited above.

The Naval appropriation act for the year 1920, Act July 11, 1919, c. 9, 41 Stat. 140, contained the following provision

"The Act of April 16, 1918 (Public, Numbered 129), granting under certain conditions, to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919."

For Act April 16, 1918, c. 53, above referred to, see U. S Comp St. 1918, § 2118bb.

Res. Dec. 24, 1919, c 19, 41 Stat 384, read as follows

"That the paragraph in the Act of July 11, 1919 (Public, Numbered 8), which reads as follows:

"The Act of April 16, 1918 (Public, Numbered 129), granting under certain conditions to every commissioned officer of the Army the right to quarters in kind for their dependents or the authorized commutation therefor, including the allowances for heat and light, shall hereafter be construed to apply to officers of the Navy and Marine Corps only during the period of the war and in no event beyond October 1, 1919, be, and the same is hereby, repealed Provided, That officers of the Navy and Marine Corps shall be entitled to all the rights and benefits under said Act of April 16, 1918 (Public, Numbered 129), from and after October 1, 1919, and during the present emergency."

§ 2858a. Enlisted men; mileage on discharge—All enlisted men of the Navy and Coast Guard who have served in the war with the German Government and who may hereafter be discharged or who have been discharged from the service since November 11, 1918, and before the expiration of their full enlistment shall receive, under such rules and regulations as the Secretary of the Navy may prescribe, an honorable discharge and shall receive 5 cents per mile from the place of his discharge to his actual bona fide home or residence, or original muster into the service

at his option: Provided, That for sea travel on discharge, transportation and subsistence only shall be furnished to enlisted men: Provided, That the records of such men warrant such honorable discharge. (July 11, 1919, c 9, 41 Stat. 139.)

From the Naval appropriation act for the year 1920, cited above.

§ 2861a. Limitation on amount of honorable discharge gratuity payable on reenlistment—Hereafter no enlisted man in the Navy shall be paid on reenlistment an honorable discharge gratuity, or any proportionate part thereof, in excess of any amount equal to one month's pay for each year of service in the last expiring enlistment of such enlisted man. (July 12, 1921, c 44, § 2, 42 Stat. 139)

From the Naval service appropriation act for the year 1922, cited above

§ 2862a. Benefits for reenlisting—Any enlisted man or apprentice seaman who shall reenlist in the Navy within one year from the date of his discharge therefrom shall, upon such reenlistment, be entitled to and shall receive the same benefits as are now authorized by law for reenlistment within four months from date of last discharge from the service Provided, That this section shall become inoperative six months after the date of the approval of this Act. (May 18, 1920, c. 190, § 10, 41 Stat. 603.)

This section is § 10 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above.

§ 2870. Allowance on death of officer or enlisted man or nurse to widow, child or dependent relative—Hereafter, immediately upon official notification of the death from wounds or disease, not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the Regular Navy or Regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: Provided, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the Regular Navy or Marine Corps: Provided, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly. (June 4, 1920, c. 228, § 1, 41 Stat. 824.)

This section is a part of § 1 of the Naval appropriation act for the fiscal year 1921, cited above. It supersedes a somewhat similar provision in the Naval appropriation act for the fiscal year 1909, Act May 13, 1908, c. 166, 35 Stat. 128, as amended by Act Aug. 22, 1912, c. 335, 37 Stat. 329, and by Act Oct. 6, 1917, c. 89, 40 Stat. 392.

§ 2887aa. Outfits on first enlistment—Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed $100 each. (June 5, 1920, c. 253, § 1, 41 Stat. 1029)

This section is a provision of the third deficiency appropriation act for the fiscal year 1920, cited above It has been repeated in prior acts.

§ 2887aaa. Civilian clothing on discharge—Civilian clothing not to exceed $15 per man to men given discharge for bad conduct, for undesirability, or inaptitude * * (July 1, 1922, c. 259, 42 Stat. 801 Jan. 22, 1923, c. 28, 42 Stat. 1145. May 28, 1924, c 203, 43 Stat. 195 Feb. 11, 1925, c. 209, 43 Stat. 873)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

Section 4 of Act March 4, 1925, c 536, 43 Stat 1271, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," reads as follows

"The accounting officers of the Government are authorized and directed to allow in the settlement of the accounts of disbursing officers of the Navy and Marine Corps payments made by them for civilian outfits furnished enlisted men of the Navy and Marine Corps upon discharge for bad conduct, undesirability, or inaptitude since November 13, 1917."

§ 2887aaaa. Charges against clothing and small-stores fund—The clothing and small-stores fund shall be charged with the value of all issues of clothing and small stores made to enlisted men and apprentice seamen required as outfits on first enlistment, not to exceed $100 each. * * (July 1, 1922, c 259, 42 Stat 801 Jan 22, 1923, c. 28, 42 Stat 1145. May 28, 1924, c. 203, 43 Stat. 195. Feb. 11, 1925, c. 209, 43 Stat 873.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2887b. Commutation of rations; general courts-martial prisoners—The Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted. (July 1, 1922, c. 259, 42 Stat. 801. Jan. 22, 1923, c 28. 12 Stat. 1144 May 28, 1924, c. 203, 43 Stat. 191. Feb 11, 1925, c. 209, 43 Stat. 873.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2887c. Same; payment to caterers on death or desertion—Provisions, Navy. For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund. * * (July 1, 1922, c. 259, 42 Stat. 800. Jan. 22, 1923, c. 28, 42 Stat. 1144. May 28, 1924, c. 203, 43 Stat. 194. Feb. 11, 1925, c. 209, 43 Stat. 872.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 2887d. Subsistence of men unavoidably detained or absent from vessels—Provisions, Navy. * * Subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given). * * (July 1, 1922, c. 259, 42 Stat. 800. Jan. 22, 1923, c. 28, 42 Stat. 1144. May 28, 1924, c. 203, 43 Stat. 194. Feb. 11, 1925, c. 209, 43 Stat. 873.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 2889a. Flag for draping coffins—That the Secretary of the Navy be authorized at his discretion to issue free of cost the national flag (United States

national ensign No 7) used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps whose death occurs while in the service of the United States Navy or Marine Corps, upon request, to the relatives of the deceased officer or enlisted man or upon request to a school, patriotic order, or society to which the deceased officer or man belonged: Provided, That the Secretary of the Navy be further authorized at his discretion to issue free of cost the national flag (United States national ensign No. 7), upon request, to the mother or nearest relative of any officer, enlisted man or nurse, whose death occurred at any time during the period between April 6, 1917, and March 3, 1921, while in the service of the United States Navy, Marine Corps, Naval Reserve Force, or Marine Corps Reserve, and whose mother or nearest relative has not heretofore been issued such a flag free of cost. (June 30, 1914, c. 130, 38 Stat. 406, amended, March 4, 1925, c. 536, § 27, 43 Stat. 1278)

This section was amended by Act March 4, 1925, c 536, § 27, cited above, by adding thereto the proviso as set forth above.

§ 2893a. Pay of retired enlisted men of Navy or Marine Corps with service as commissioned officers—Retired enlisted men of the regular Navy and Marine Corps heretofore or hereafter retired who served honorably as commissioned officers, regular, temporary, or reserve, in the naval service at some time between the aforesaid dates, and who at the time of their retirement were members of the regular Navy or Marine Corps, shall be entitled to receive the pay of retired warrant officers of the Navy and Marine Corps, respectively: Provided, That such enlisted man retired prior to July 1, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired prior to that date, and that any such enlisted man retired subsequent to June 30, 1922, shall be entitled to receive the pay provided by law for retired warrant officers of equal length of service retired subsequent to that date: Provided further, That nothing in this Act shall operate to prevent any person from receiving the pay and allowances of his grade, rank, or rating on the retired list when such pay and allowances exceed the pay to which he would be entitled under this Act by virtue of his commissioned service. (June 6, 1924, c. 275, § 8, 43 Stat. 472.)

This section is a part of § 8 of Act June 6, 1924, c 275, cited above.

§ 2900a. Absence from duty on account of sickness resulting from misconduct—Hereafter no officer or enlisted man in the Navy or Marine Corps in active service who shall be absent from duty on account of injury, sickness or disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of the Navy: Provided, That an enlistment shall not be regarded as complete until the enlisted man shall have made good any time in excess of one day lost on account of injury, sickness or disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct. (Aug. 29, 1916, c 417, 39 Stat. 580, amended July 1, 1918, c. 114, 40 Stat. 717.)

This section was amended by Act July 1, 1918, c 114, cited above, by inserting therein the word "injury," so as to make the section read as set forth above.

§ 2900b. Pay and allowances of commissioned, warrant, or appointed officers or enlisted men not reduced—Nothing contained in this Act shall be construed to reduce the pay or allowances of any commissioned, warrant, or appointed officer or any enlisted man as authorized by law for such officer or enlisted man in his present permanent status in the Regular Navy (July 11, 1919, c. 9, 41 Stat. 139)

From the Naval appropriation act for the year 1920, cited above.

§ 2900c. Pay and allowances of women enlisted or enrolled in naval service—The words "enlisted men," as contained in prior appropriation Acts, shall not be construed to deprive women, enlisted or enrolled in the naval service, of the pay, allowances, gratuities, and other benefits granted by law to the enlisted personnel of the Navy and Marine Corps. (July 11, 1919, c. 9, 41 Stat. 152)

From the Naval appropriation act for the year 1920, cited above

§ 2900d. Reimbursement to certain firms, associations, and corporations for money advanced [to officers or enlisted men of naval service on account of pay]—The Paymaster General of the Navy, with the approval of the Secretary of the Navy, is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the World War to any officer or enlisted man of the naval service on account of pay if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: Provided, That the total amount for the purpose of reimbursement shall not exceed the sum of $35,000: Provided further, That any amounts thus allowed shall be payable from the appropriation for pay of the Navy current at the time of settlement. (March 4, 1925, c. 536, § 13, 43 Stat 1275.)

This section is section 13 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Eight A—The Naval Reserve Force

This chapter consisted of Act Aug 29, 1916, c. 417, 39 Stat. 556, as amended by Act April 25, 1917, c. 5, 40 Stat 37, Act May 22, 1917, c. 18, 40 Stat 84, and Act July 1, 1918, c 114, 40 Stat. 710, and as supplemented by a provision of Act March 4, 1917, c. 180, 39 Stat 1174, Act April 25, 1917, c 9, 40 Stat 38, provisions of Act July 1, 1918, c. 114, 40 Stat 708, 710, 711, 712, a part of § 6 of Act May 18, 1920, c 190, 41 Stat. 603, provisions of Act July 11, 1919, c. 9, 41 Stat. 138, 139, Act June 4, 1920, c. 228, §§ 2, 9, 41 Stat. 834, 837, a provision of Act June 5, 1920, c 253, § 1, 41 Stat 1029, provisions of Act July 1, 1922, c 259, 42 Stat. 799, provisions of Act Jan 22, 1923, c. 28, 42 Stat 1138, and a provision of Act May 28, 1924, c 203, 43 Stat 188 These acts and parts of acts created and provided for a Naval Reserve Force, consisting of the Fleet Naval Reserve, the Naval Reserve, the Naval Auxiliary Reserve, the Naval Coast Defense Reserve, the Volunteer Naval Reserve and the Naval Reserve Flying Corps. The Naval Reserve Force so established is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9,

41 Stat 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 2900½a. [Repealed.]

See note at the beginning of this chapter.

FLEET NAVAL RESERVE

§ 2900½b. [Repealed.]

See note at the beginning of this chapter.

NAVAL RESERVE

§ 2900½c. [Repealed.]

See note at the beginning of this chapter.

NAVAL AUXILIARY RESERVE

§ 2900½d. [Repealed.]

See note at the beginning of this chapter.

NAVAL COAST DEFENSE RESERVE

§ 2900½e. [Repealed.]

See note at the beginning of this chapter.

VOLUNTEER NAVAL RESERVE

§ 2900½f. [Repealed.]

See note at the beginning of this chapter.

NAVAL RESERVE FLYING CORPS

§ 2900½g. [Repealed.]

See note at the beginning of this chapter.

Chapter Eight AA—Naval Reserve, and Marine Corps Reserve

§ 2900⅖-1. Naval Reserve Force established under Act Aug. 29, 1916, c. 417 abolished; Naval Reserve created; classes of enumerated; officers and men of old Fleet Naval Reserve, etc., transferred; appointment in new Naval Reserve; status or pay of retired members of Naval Reserve Force not affected—The Naval Reserve Force, established under the Act of August 29, 1916, is hereby abolished, and in lieu thereof there is hereby created and established, as a component part of the United States Navy, a Naval Reserve which shall consist of three classes, namely: The Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve: Provided, That all officers and men who on the date of this Act are members of the Fleet Naval Reserve, the Naval Reserve, or the Naval Reserve Flying Corps of the Naval Reserve Force, are hereby transferred to the Fleet Naval Reserve created by this Act, and all officers and men who on the date of this Act are members of the Naval Auxiliary Reserve of the Naval Reserve Force are hereby transferred to the Merchant Marine Naval Reserve created by this Act: Provided further, That members of the Naval Reserve Force on the date of the approval of this Act whose status in the Naval Reserve thus created is not otherwise specifically established by this Act are hereby transferred to the Volunteer Naval Reserve: Provided further, That such transfers of officers and enrolled men shall be for the unexpired period of their current enrollment in the Naval Reserve Force: And provided further, That within three months after the date of this Act any officer so transferred pursuant to this section may make application to the Secretary of the Navy for appointment in the Naval Reserve herein created, and such officer shall, if found physically qualified for appointment, be appointed in accordance with section 7 of this Act in the confirmed grade or rank held by him in the Naval Reserve Force with date of precedence in accordance with section 15 of this Act. And provided further, That nothing contained in this Act shall affect the status or pay of members of the Naval Reserve Force heretofore retired with or without pay (Feb 28, 1925, c 374, § 1, 43 Stat. 1080)

This section, and sections 2900⅖-2 to 2900⅖-9, 2900⅖-10 to 2900⅖-27, 2900⅖-29 to 2900⅖-35, 2900⅖-36 to 2900⅖-40, are sections 1-9, 10-27, 29-40 of an act entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," cited above Section 28 of said act relates to the Naval Militia, and is set forth post, as § 3078k

§ 2900⅖-1a. Same; certain enlisted men of Navy discharged therefrom and enrolled in Naval Reserve Force with provisional rank as warrant or commissioned officers deemed to have been transferred to Fleet Naval Reserve on date of discharge from Navy and transferred to class of Naval Reserve Force in which they were given provisional assignment as warrant or commissioned officers; pay, etc.—Enlisted men of the Navy who were discharged at expiration of enlistment and had completed sixteen or twenty years' service at the time of discharge, and were thereafter enrolled in the Naval Reserve Force within four months from date of discharge from the Navy and assigned provisional rank as warrant or commissioned officers, shall be deemed to have been transferred to the Fleet Naval Reserve on date of discharge from the Navy, and then to have been transferred to the class of the Naval Reserve Force in which they were given provisional assignment as warrant or commissioned officers: Provided, That they shall be entitled to receive the same pay, allowances, and other benefits from and after the date said transfer to the Fleet Naval Reserve is herein deemed to have been made as is provided by law for men transferred to the Fleet Naval Reserve. (March 4, 1925, c 536, § 1, 43 Stat 1270.)

This section is a part of section 1 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2900⅖-2. United States Marine Corps Reserve established under Act Aug. 29, 1916, c. 417 abolished; Marine Corps Reserve created; classes of enumerated; laws applicable to—The United States Marine Corps Reserve, established under the Act of August 29, 1916, is hereby abolished, and in lieu thereof there is hereby created and established, as a component part of the United States Marine Corps, a Marine Corps Reserve, under the same provisions in all respects (except as may be necessary to adapt the said provisions to the Marine Corps) as those contained in this Act or which may hereafter be enacted providing for the Naval Reserve: Provided, That the Marine Corps Reserve shall consist of two classes, namely: The Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, corresponding, as near as may be, to the Fleet Naval Reserve and the Volunteer Naval Reserve, respectively. (Feb. 28, 1925, c. 374, § 2, 43 Stat. 1080.)

See note to § 2900⅖-1, ante.

§ 2900⅖-3. Acts relating to Naval Reserve Force, United States Marine Corps Reserve, and Naval Militia repealed; exception—All provisions of law relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia contained in the Acts of August 29, 1916; March 4, 1917; April 25, 1917; May 22, 1917; July 1, 1918; July 11, 1919; June 4, 1920; July 12, 1921, and all other Acts or parts of Acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, with the exception of the Act of June 10, 1922 (Forty-second Statutes at Large, page

625), are hereby repealed (Feb. 28, 1925, c. 374, § 3, 43 Stat. 1081.)

See note to § 2900½-1, ante, and note at the beginning of Chapter Eight A, ante

§ 2900½-4. Naval Reserve; composition of; persons who may be transferred to Fleet Naval Reserve or Naval Reserve; membership in other naval or military organizations; civil employment of members of Naval Reserve in public service—The Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States of eighteen years of age or over who by appointment or enlistment therein, under regulations prescribed by the Secretary of the Navy, or by transfer or assignment thereto as in this Act provided, obligate themselves to serve in the Navy in time of war or during the existence of a national emergency declared by the President Provided, That nothing contained in this section shall render ineligible for transfer to the Naval Reserve created by this Act, as provided in section 1 hereof, any person now serving in the Naval Reserve Force. Provided further, That any enlisted man now serving in the regular Navy who is not a citizen of the United States and who on the date of this Act has completed not less than eight years' naval service shall be deemed eligible for transfer to the Fleet Naval Reserve of the Naval Reserve created by this Act upon completion of the minimum amount of service required for such transfer: Provided further, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: And provided further, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service, nor from receiving the pay and allowances incident to such employment in addition to any pay or allowances to which he may be entitled under the provisions of this Act. (Feb. 28, 1925, c. 374, § 4, 43 Stat. 1081.)

See note to § 2900½-1, ante

§ 2900½-5. Same; ranks, grades, and ratings; officers appointed for deck, engineering, or aviation duties; regulations for appointments, promotions, enlistments, changes in ratings, and transfers to and from classes; issue of commissions and warrants; term of enlistments—There shall be allowed in the Naval Reserve the various ranks, grades, and ratings corresponding to those in the regular Navy, but not above the rank of lieutenant commander, except as otherwise provided in this Act Officers of the line may be appointed for deck duties, engineering duties, or both, or for aviation duties. All appointments and promotions of officers, and enlistments and changes in rating of men, in the Naval Reserve, and transfers to and from any of the three classes therein, unless otherwise provided in this Act, shall be made in accordance with regulations prescribed by the Secretary of the Navy: Provided, That persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President alone and those appointed to warrant grades shall be warranted by the Secretary of the Navy: Provided further, That enlistments in the Naval Reserve shall be for a term of four years, subject to the provisions of section 9 of this Act, and may be extended for periods of one, two, three, or four years, in accordance with regulations prescribed by the Secretary of the Navy. (Feb. 28, 1925, c. 374, § 5, 43 Stat. 1081.)

See note to § 2900½-1, ante.

§ 2900½-6. Same; discharges from; enlisted men of regular Navy transferred to Fleet Naval Reserve governed by regular Navy laws and regulations; separation from service in time of war or national emergency—In time of peace no officer or man of the Naval Reserve shall be discharged except upon expiration of his term of service or upon his own request, or for full and sufficient cause, in the discretion of the Secretary of the Navy Provided, That enlisted men heretofore or hereafter transferred to the Fleet Naval Reserve from the regular Navy in accordance with law shall at all times be governed by the laws and regulations for the government of the Navy and shall not be discharged from the Naval Reserve without their consent except by sentence of a court-martial or in accordance with the provisions of section 23 of this Act: Provided further, That in time of war, or a national emergency, declared by the President to exist, officers and enlisted, enrolled and assigned men of the Naval Reserve shall be subject to separation therefrom in the same manner as may be provided by or in pursuance of law for the separation of officers and enlisted men from the regular Navy, subject to the provisions of section 9 of this Act (Feb 28, 1925, c 374, § 6, 43 Stat. 1081)

See note to § 2900½-1, ante

§ 2900½-7. Same; term of commissions and warrants; grades and ranks; number of staff and line officers in higher grades or ranks; reduction in rank; promotion of officers in time of war—Commissioned and warrant officers appointed or transferred to the Naval Reserve shall be commissioned or warranted to serve during the pleasure of the President, in grades or ranks not above that of lieutenant commander, except that a small percentage of officers, who may be required in higher grades or ranks for the recruiting, organization, administration, training, inspection, and mobilization of the Naval Reserve, may be commissioned in the grades or ranks of commodore, captain, and commander The actual number of line officers so commissioned in higher grades shall be distributed in the proportion of one in the grade of commodore, to fifteen in the grade of captain, to twenty-eight in the grade of commander. The actual number of staff officers so commissioned in higher ranks shall be commissioned in the proportion of eight in the rank of captain, to sixteen in the rank of commander. The total number of line officers in such higher grades shall not exceed forty-four one-hundredths of 1 per centum and of staff officers in such higher ranks shall not exceed twenty-four one-hundredths of 1 per centum of the actual number of enlisted men regularly assigned to divisions or other organized units of the Fleet Naval Reserve entitled to pay as provided in section 21 of this Act. Whenever a final fraction occurs in computing the authorized number of officers in said higher grades or ranks, the nearest whole number shall be regarded as the authorized number, but at least one officer may be allowed in each grade or rank: Provided, That to determine the authorized number of officers in the various grades or ranks above lieutenant commander as provided in this section, computations shall be made by the Secretary of the Navy at least once during each calendar year and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number of officers in such various grades or ranks and shall not be varied between the dates of such computations: Provided further, That no officer shall be reduced in rank as the result of any computation so made and that nothing in this Act shall be construed as reducing the present confirmed grade, rank, or rating of any officer or man transferred to the Naval Reserve pursuant to the provisions of this Act, or as prohibiting the appointment of such officers in their present confirmed grades or ranks, or as restricting the promotion of officers of

the Naval Reserve in time of war as provided for in section 17 of this Act. (Feb 28, 1925, c. 374, § 7, 43 Stat. 1082.)

See note to § 2900½-1, ante

§ 2900½-8. Appointment of midshipmen to Naval Academy from enlisted men of Naval Reserve and Marine Corps Reserve—Hereafter the Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from the enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions as prescribed by law for appointments from enlisted men of the Navy: Provided That not more than twenty-five midshipmen shall be appointed in any one year under the authority contained in this section. (Feb. 28, 1925, c. 374, § 8, 43 Stat 1082.)

See note to § 2900½-1, ante.

§ 2900½-9. Naval Reserve; active duty of officers and men including retired officers and men—Officers and men of the Naval Reserve, including those who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as is otherwise provided in this Act, they shall only be ordered to or continued on active duty with their own consent. Provided, That the Secretary of the Navy may release any officer or man from active duty at any time. (Feb. 28, 1925, c. 374, § 9, 43 Stat. 1082.)

See note to § 2900½-1, ante.

§ 2900½-9a. Transfer to or appointment in regular Navy of officers of United States Naval Reserve Force prohibited; repeal of so much of section 3 of the act of June 4, 1920, as authorizes transfers and appointments in the regular Navy—Hereafter no officer of the United States Naval Reserve Force shall be transferred to or appointed in the regular Navy under the provisions of section 3 of the Act of June 4, 1920, and so much of said section 3 of the Act of June 4, 1920, as authorizes such transfers and appointments is hereby repealed. (March 4, 1925, c. 536, § 9, 43 Stat. 1273.)

This section is section 9 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2900½-10. Naval Reserve; officers and men subject to laws, regulations, and orders for government of Navy, when—Officers and men of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill, or instruction, or during such time as they may by law be required to perform active duty in accordance with their obligations, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy: Provided, That disciplinary action for an offense committed while so subject to the laws, regulations, and orders for the government of the Navy shall not be barred by reason of release from duty status of an officer or man charged with the commission thereof: Provided further, That officers and men who have heretofore been or may hereafter be transferred to the retired list of the Naval Reserve Force or the Naval Reserve with pay shall at all times be subject to the laws, regulations, and orders for the government of the Navy. (Feb. 28, 1925, c. 374, § 10, 43 Stat. 1083.)

See note to § 2900½-1, ante.

§ 2900½-11. Same; pay, allowances, transportation, and mileage of commissioned officers, warrant officers, and men on active duty or training duty—Commissioned officers of the Naval Reserve when employed on active duty or on training duty, with pay, or when employed in authorized travel to and from such duty, shall be deemed to have been confirmed in grade and qualified for all general service and shall receive the pay, allowances, including longevity pay, as provided by law for the reserve forces of the United States, and shall when traveling under orders receive transportation in kind, mileage or actual expenses as provided by law for travel performed by officers of the regular Navy. Warrant officers and men of the Naval Reserve when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty shall receive the same pay and allowances as received by warrant officers and enlisted men of the regular Navy of the same rank, grade, or rating, and of the same length of service which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Navy Militia, National Naval Volunteers, Marine Corps Reserve, or Naval Reserve: Provided, That when officers or men of the Naval Reserve perform active duty or training duty with pay for a period of less than thirty days such duty performed on the thirty-first day of any month shall be paid for at the same rate as for other days. (Feb 28, 1925, c. 374, § 11, 43 Stat. 1083.)

See note to § 2900½-1, ante.

The Navy Department and naval service appropriation act for the fiscal year 1925, Act Feb. 11, 1925, c. 209, 43 Stat. 867, contains the following: "That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train."

§ 2900½-12. Uniform gratuity to officers of Fleet Naval Reserve and Naval Reserve—Upon being appointed in the Fleet Naval Reserve an officer shall be paid a sum of $100 for purchase of required uniforms and thereafter he shall be paid an additional sum of $50 for the same purpose upon completion of each period of four years in the Fleet Naval Reserve. Provided, That any officer who has heretofore received a uniform gratuity shall not be entitled to either of the above-mentioned sums until the expiration of four years from the date of the receipt of such gratuity: Provided further, That in time of war or national emergency a further sum of $150 for purchase of required uniforms shall be paid to officers of all classes of the Naval Reserve when they first report for active duty. (Feb. 28, 1925, c. 374, § 12, 43 Stat. 1083)

See note to § 2900½-1, ante

§ 2900½-13. Naval Reserve; outfits to enlisted men—In time of peace enlisted men of the Naval Reserve shall be issued articles of uniform, bedding, and equipment in accordance with regulations to be prescribed by the Secretary of the Navy: Provided, That upon first reporting for active duty in time of war or national emergency enlisted men of the Naval Reserve shall receive in addition the same outfit as may be authorized for the enlisted personnel of the regular Navy upon first enlistment. (Feb. 28, 1925, c. 374, § 13, 43 Stat. 1083.)

See note to § 2900½-1, ante.

§ 2900½-14. Same; injury or death benefits to officers or men injured or dying from injuries incurred in line of duty—If in time of peace any officer or enlisted man of the Naval Reserve is physically injured in the line of duty while performing active duty, authorized training duty with or without pay, or when employed in authorized travel to and from such duty, or dies as the result of such physical injury, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as the result thereof, and the

United States Employees Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: Provided, That in no case shall sickness or disease be regarded as an injury within the meaning of this section relating to the Naval Reserve. (Feb. 28, 1925, c 374, § 14, 43 Stat. 1084.)

See note to § 2900½-1, ante

§ 2900½-15. Same; precedence of commissioned officers among themselves—Commissioned officers of the same rank and warrant officers in the Naval Reserve shall take precedence among themselves by date of commission or warrant. Officers of the same date of commission or warrant shall take precedence according to such regulations as the Secretary of the Navy may prescribe. Provided, That commissioned officers of the same rank and warrant officers in the Naval Reserve Force who are transferred to the Naval Reserve in accordance with the provisions of this Act shall take precedence among themselves and with other officers of the Naval Reserve according to the dates of the commissions, warrants, or provisional assignments of rank or grade held by them at the time of transfer, except that such officers who were transferred to the Naval Reserve Force from the National Naval Volunteers, if they have not been separated from the Naval Reserve Force for more than four months since said transfer, shall take precedence among themselves and with other officers of the Naval Reserve according to the date of the commissions or warrants held by them on the active lists of the Naval Militia at the time of their enrollment in the National Naval Volunteers, or, if subsequently promoted in the National Naval Volunteers, according to the dates of said promotions: Provided further, That former officers of the Navy or Coast Guard who, within four months of their separation therefrom, enrolled in the Naval Reserve Force in the same ranks or grades last held by them in the Navy or Coast Guard, and who are transferred to the Naval Reserve in the said ranks or grades pursuant to this Act, and such former officers of the Navy or Coast Guard who may hereafter, within the same period, be appointed in the Naval Reserve in the same ranks or grades as last held by them in the Navy or Coast Guard, shall take precedence among themselves and with other officers of the Naval Reserve according to the dates of the commissions or warrants held by them in the Navy or Coast Guard when separated therefrom. (Feb. 28, 1925, c. 374, § 15, 43 Stat. 1084.)

See note to § 2900½-1, ante.

§ 2900½-16. Same; precedence of commissioned officers with officers of regular Navy—In time of peace officers of the Naval Reserve shall take precedence with but after officers of the same rank or grade in the regular Navy. When mobilized with the regular Navy for war or national emergency, officers of the Naval Reserve shall, for the duration of the war or national emergency, take precedence after the junior of their respective ranks or grades in the regular Navy on date of such mobilization: Provided, That officers of the Naval Reserve of and above the rank of lieutenant commander who are selected for advancement in accordance with the provisions of section 17 of this Act shall, when so advanced, take precedence during the then existing war or national emergency with officers of the regular Navy of the same rank or grade in accordance with the dates stated in their commissions. (Feb. 28, 1925, c. 374, § 16, 43 Stat. 1084.)

See note to § 2900½-1, ante.

§ 2900½-17. Same; advancement in grade and rank of officers on active list in time of war or national emergency; pay and allowances—In time of war or national emergency, officers on the active list of the Naval Reserve employed on active duty shall be advanced in grade and rank up to and including the rank of lieutenant commander with the officers of the regular Navy with whom or next after whom they take precedence in accordance with this Act and such officers of and above the rank of lieutenant commander shall be eligible for selection upon recommendation by a board appointed, constituted, and approved as required by law for the regular Navy and when so selected shall be eligible for advancement, either temporary or permanent, to the next higher grade or rank in the Naval Reserve corresponding to such higher grades or ranks as may then exist on the active list of the regular Navy, in such numbers for each grade or rank as may be prescribed from time to time by the Secretary of the Navy. Provided, That no officer of the Naval Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe. Provided further, That all officers of the Naval Reserve who may be advanced to a higher grade or rank shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions. Provided further, That the provisions of this section shall not apply to officers who have been or may hereafter be retired from the Naval Reserve Force or the Naval Reserve. (Feb. 28, 1925, c. 374, § 17, 43 Stat 1084)

See note to § 2900½-1, ante.

§ 2900½-18. Same; discharge or retirement of officers for physical disability—All officers of the Naval Reserve shall be examined physically once every four years, or oftener, as may be deemed necessary, and if upon such examination they are found not physically qualified for active service they shall be honorably discharged or, within the discretion of the Secretary of the Navy, placed on the honorary retired list provided for in section 19 of this Act. (Feb. 28, 1925, c. 374, § 18, 43 Stat. 1085.)

See note to § 2900½-1, ante.

§ 2900½-19. Same; retirement of officers for age or length of service without pay or allowances—Officers of the Naval Reserve shall be placed on an honorary retired list of the Naval Reserve without pay or allowances upon reaching the age of sixty-four years, or, within the discretion of the Secretary of the Navy, upon the officer's own request, after twenty-five years' service in the Naval Reserve: Provided, That service in the Navy, Marine Corps, Naval Reserve Force, National Naval Volunteers, Naval Militia, Naval Auxiliary Service, and Coast Guard shall be counted as service in the Naval Reserve under the provisions of this section. (Feb. 28, 1925, c. 374, § 19, 43 Stat. 1085.)

See note to § 2900½-1, ante.

THE FLEET NAVAL RESERVE

§ 2900½-20. Fleet Naval Reserve; training or other duty by officer and enrolled and enlisted men; pay; subsistence in kind or commutation; detail for flying duty with increase of pay—In time of peace, except as herein otherwise provided, officers and enrolled and enlisted men of the Fleet Naval Reserve shall be required to perform such training duty, not to exceed fifteen days annually, as may be prescribed by the Secretary of the Navy, unless excused therefrom for good and sufficient reasons by direction of the Secretary of the Navy: Provided, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by the Secretary of the Navy: Provided further, That when authorized training or other duty without pay is performed by officers or

men they may, in the discretion of the Secretary of the Navy, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Navy: And provided further, That officers and men while detailed for training or other duty in aviation which involves actual flying in aircraft, in accordance with regulations prescribed by the Secretary of the Navy, shall receive the same increase of the pay of their grades, ranks, or ratings as may be received by officers and enlisted men in similar grades, ranks, and ratings in the regular Navy for the performance of similar duty. (Feb. 28, 1925, c. 374, § 20, 43 Stat. 1085.)

See note to § 2900½-1, ante.

§ 2900½-21. Same; officers' and enlisted mens' drill pay; annual pay for satisfactory performance of duties by officers and enlisted men; additional pay to certain officers assigned to and commanding organizations of Fleet Naval Reserve—Officers below the grade or rank of lieutenant commander and enlisted men of the Fleet Naval Reserve attached to a division thereof, organized under regulations prescribed by the Secretary of the Navy, shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks, or ratings for attending, under competent orders, each regular drill, or other equivalent instruction or duty, as may be prescribed by the Secretary of the Navy: Provided, That no such officer or enlisted man shall receive pay for more than 60 drills or other equivalent instruction or duty in any one fiscal year: Provided further, That week-end cruises shall not be regarded as drills or other equivalent instruction or duty.

For satisfactory performance of their appropriate duties under such regulations as the Secretary of the Navy may prescribe, officers above the grade or rank of lieutenant of the Fleet Naval Reserve shall receive compensation at the rate of not more than $500 a year, and officers below the grade or rank of lieutenant commander and enlisted men of the Fleet Naval Reserve not attached to a division thereof, shall receive not more than four-thirtieths of the monthly base pay of their grades, ranks, or ratings, each month.

In addition to the pay to which they may otherwise become entitled under this section, officers of or below the grade or rank of captain of the Fleet Naval Reserve regularly assigned to and commanding organizations of the Fleet Naval Reserve, organized under regulations prescribed by the Secretary of the Navy, and having administrative functions, shall receive compensation at the rate of $240 a year for the faithful performance of the administrative duties connected therewith

Pay under the provisions of this section shall not accrue to any officer or enlisted man during a period when he shall be lawfully entitled to pay for active duty or training duty. (Feb. 28, 1925, c. 374, § 21, 43 Stat. 1085.)

See note to § 2900½-1, ante.

§ 2900½-22. Same; obligation of enlisted men in regular Navy to serve in Fleet Naval Reserve upon termination of Navy enlistment; assignment of such men to Fleet Naval Reserve; active or other duty of such men; pay, allowances, etc., of such men; reenlistment in regular Navy of men assigned to Fleet Naval Reserve and men enlisted in Naval Reserve—The Secretary of the Navy, in his discretion, under such regulations as he may prescribe, may require any person hereafter when first enlisting in the regular naval service and may authorize any enlisted man in such service to obligate himself to serve four years in the Fleet Naval Reserve upon termination of his enlistment in the regular naval service: Provided, That upon termination of their enlistment in the regular naval service, men who have so obligated themselves shall be assigned to the Fleet Naval Reserve for the four-year period, unless they apply for reenlistment or extension of their enlistment in the regular naval service, in which event they may be reenlisted or may extend their enlistment in the regular naval service: Provided further, That the men so assigned to the Fleet Naval Reserve for the four-year period shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance $25 per annum, except when, with their own consent, they become attached to a division of the Fleet Naval Reserve, or satisfactorily perform appropriate duties assigned by direction of the Secretary of the Navy, in which case they shall receive the pay, allowances, gratuities, and other emoluments as herein specifically provided for enlisted men of the Fleet Naval Reserve.

Enlisted men of the regular naval service assigned to the Fleet Naval Reserve in accordance with the provisions of this section, or enlisted men who within three months from date of discharge from the regular naval service upon completion of a four-year enlistment, enlist in the Naval Reserve, may, while so in the Naval Reserve, be permitted to reenlist in the regular naval service, in which case they shall be entitled to the same benefits as if they had enlisted in the regular naval service within three months of their last discharge therefrom. (Feb 28, 1925, c. 374, § 22, 43 Stat 1086.)

See note to § 2900½-1, ante.

§ 2900½-23. Same; transfer of enlisted men in regular Navy to; pay on such transfer; active duty; discharge for physical disqualifications; retirement; pay and allowances upon retirement—Men who enlist in the regular Navy after the passage of this Act, except as herein otherwise provided, may be transferred to the Fleet Naval Reserve only upon the completion of at least twenty years' naval service and provided they are then found physically and otherwise qualified to perform duty in time of war and apply for such transfer, and thereafter, except when on active duty, shall be paid at the rate of one-half of the base pay they are receiving at the time of transfer: Provided, That in time of peace all enlisted men so transferred to the Fleet Naval Reserve may be required to perform not more than two months' active duty in each four-year period and shall be physically examined at least once during each four-year period, and if upon such examination they are found not physically qualified to perform duty in time of war they shall be discharged: Provided further, That all enlisted men so transferred to the Fleet Naval Reserve shall upon completion of thirty years' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with one-half of the base pay of their ratings plus all permanent additions thereto, and the allowances to which enlisted men of the same ratings are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, § 23, 43 Stat. 1087.)

See note to § 2900½-1, ante.

§ 2900½-24. Same; pay and retirement of enlisted men transferred to—All enlisted men who heretofore have been transferred from the regular Navy to the Fleet Naval Reserve established by the Act of August 29, 1916, and who by section 1 of this Act are transferred to the Fleet Naval Reserve herein created, shall receive the rate of pay they were legally entitled to receive in the Naval Reserve Force. Provided, That such enlisted men so transferred to the Fleet Naval Reserve herein created shall, upon

completing thirty years' service, including naval service and time in the Fleet Naval Reserve of the Naval Reserve Force and in the Fleet Naval Reserve herein created, be transferred to the retired list of the regular Navy with the pay they were then legally entitled to receive, plus the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, § 24, 43 Stat. 1087)

See note to § 2900½-1, ante.

§ 2900½-25. Reenlistment in regular Navy of enrolled men of old Naval Reserve Force transferred to Naval Reserve; benefits—Enrolled men of the Naval Reserve Force transferred by section 1 of this Act to the Naval Reserve herein created, who had enrolled in the Naval Reserve Force within four months from the date of their discharge from the regular Navy, and who hereafter reenlist in the regular Navy within three months from the date of their discharge from the Naval Reserve herein created, shall be entitled to the same benefits as if they had reenlisted in the regular Navy within three months of their last discharge therefrom (Feb. 28, 1925, c. 374, § 25, 43 Stat. 1087.)

See note to § 2900½-1, ante.

§ 2900½-26. Fleet Naval Reserve; transfer to of certain enlisted men serving in regular Navy or serving in Naval Reserve Force and reenlisting in regular Navy; pay and increase thereof—Enlisted men serving in the regular Navy on the date of the approval of this Act, or who, having been discharged therefrom, reenlist in the regular Navy within three months from date of discharge, or who are serving in the Naval Reserve Force on the date of this Act in an enrollment entered into within four months from the date of their discharge from the regular Navy and hereafter reenlist in the regular Navy within three months from the date of their discharge from the Naval Reserve, herein created, shall be entitled to be transferred to the Fleet Naval Reserve on the completion of sixteen or more years' naval service, and when so transferred shall, except when on active duty, be entitled to receive, if they have had sixteen but less than twenty years' naval service, pay at the rate of one-third the base pay they are receiving at the time of transfer, plus all permanent additions thereto, and if they have had twenty or more years' naval service, pay at the rate of one-half of the base pay they are receiving at the time of transfer, plus all permanent additions thereto: Provided, That the pay authorized in this section shall be increased 10 per centum for all men who may be credited with extraordinary heroism in the line of duty or whose average marks in conduct for twenty years or more shall not be less than 95 per centum of the maximum Provided further, That for all purposes of this section a complete enlistment during minority shall be counted as four years' service and any enlistment terminated within three months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted. (Feb. 28, 1925, c. 374, § 26, 43 Stat. 1087.)

See note to § 2900½-1, ante.

§ 2900½-27. Same; active duty and retirement of men transferred to under provisions of section 26; pay and allowances—In time of peace all enlisted men so transferred to the Fleet Naval Reserve in accordance with the preceding section may be required to perform not more than two months' active duty in each four-year period and shall be examined physically at least once during each four-year period, and if upon such examination they are found not physically qualified they shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of thirty years' service, including naval service, time in the Fleet Naval Reserve and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after thirty years' naval service: Provided, That all enlisted men so transferred to the Fleet Naval Reserve who are not transferred to the retired list pursuant to the foregoing provisions of this section shall, upon completion of thirty years' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with the pay they were then receiving, and the allowances to which enlisted men of the same rating are entitled on retirement after thirty years' naval service. (Feb. 28, 1925, c. 374, § 27, 43 Stat. 1088)

See note to § 2900½-1, ante

§ 2900½-27a. Same; status of members of transferred thereto after 20 years service in Navy and discharged therefrom to accept temporary appointment as officers in regular Navy upon revocation of such temporary appointment; retainer pay—Any member of the Fleet Naval Reserve, transferred thereto after sixteen or twenty years' service in the Navy, who has heretofore been discharged therefrom to accept temporary appointment as an officer in the regular Navy, shall upon the revocation of temporary appointment as an officer be deemed to have reverted to his former status in the Fleet Naval Reserve, and shall be entitled to retainer pay, including subsequent increases therein, at the same rate he was receiving prior to discharge from the Fleet Naval Reserve from the date he is herein deemed to have reverted to his former status therein: Provided, That reenlistment in the Navy following revocation of temporary appointment as an officer shall not deprive him of the benefits of this section, and he shall be entitled to receive the pay, including retainer pay, authorized for members of the Fleet Naval Reserve when on active duty during the period served under enlistment. Provided further, That nothing contained in this section shall be construed as changing the status or affecting the retainer pay of any person who, after termination of service as a temporary officer, reenlisted in the regular Navy and was again transferred to the Fleet Naval Reserve. (March 4, 1925, c 536, § 1, 43 Stat. 1270.)

This section is a part of section 1 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above

§ 2900½-29. Inspection of Naval Reserve units—An inspection of Naval Reserve units shall be made at least once each year by officers of the regular Navy detailed by the Secretary of the Navy for that purpose, and said officers shall report to the Secretary of the Navy upon the qualifications, organization, and administration of said units. (Feb. 28, 1925, c. 374, § 29, 43 Stat. 1088.)

See note to § 2900½-1, ante.

THE MERCHANT MARINE NAVAL RESERVE

§ 2900½-30. Merchant Marine Naval Reserve; composition of—The Merchant Marine Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States who follow or who have followed the sea as a profession and who are employed, or who have been employed within three years, on public vessels of the United States or such other seagoing vessels documented under the laws of the United States as may be approved by the Secretary of the Navy. (Feb. 28, 1925, c. 374, § 30, 43 Stat. 1089.)

See note to § 2900½-1, ante.

§ 2900½-31. Same; transfers to Volunteer Naval Reserve or discharge of officers and enlisted men of—Officers and enlisted men of the Merchant Marine Naval Reserve shall be transferred

to the Volunteer Naval Reserve, or discharged, three years after they have ceased to follow the sea as a profession. (Feb 28, 1925, c. 374, § 31, 43 Stat 1089)

See note to § 2900½-1, ante

§ 2900½-32. Same; training duty; pay—Officers and enlisted men of the Merchant Marine Naval Reserve may, upon their own application, approved by direction of the Secretary of the Navy, be given the same training duty, with or without pay, as is provided for officers and enlisted men of the Fleet Naval Reserve. (Feb. 28, 1925, c. 374, § 32, 43 Stat. 1089)

See note to § 2900½-1, ante

§ 2900½-33. Same; pay of officers and enlisted men—In time of peace officers and enlisted men of the Merchant Marine Naval Reserve when not employed on active duty with the regular Navy shall be paid per annum, under such regulations as the Secretary of the Navy may prescribe, at the rate of not exceeding one month's base pay of their corresponding grades, ranks, or ratings in the regular Navy, which pay shall be additional to any pay to which they may be entitled for training duty: Provided, That funds equal to the amount required for the purposes of this section shall first have been made available by the Congress for this specific purpose. (Feb 28, 1925, c. 374, § 33, 43 Stat. 1089)

See note to § 2900½-1, ante

§ 2900½-34. Same; flag or pennant for—The Secretary of the Navy shall prescribe a suitable flag or pennant which may be flown as an emblem of the Merchant Marine Naval Reserve on any seagoing merchant vessel documented under the laws of the United States: Provided, That such vessel be first designated by the Secretary of the Navy as suitable for service as a naval auxiliary in time of war: Provided further, That the master or commanding officer and not less than 50 per centum of the officers are members of the Naval Reserve: And provided further, That such flag or pennant shall not be flown in lieu of the national ensign. (Feb. 28, 1925, c. 374, § 34, 43 Stat. 1089.)

See note to § 2900½-1, ante.

THE VOLUNTEER NAVAL RESERVE

§ 2900½-35. Volunteer Naval Reserve; active or training duty; pay—Officers and enlisted men of the Volunteer Naval Reserve shall not be required to attend drills or perform training duty and shall receive no pay or allowances, except when ordered to active duty or training duty: Provided, That they may, upon their own application, approved by the direction of the Secretary of the Navy, be given the same active duty or training duty, with or without pay, as is provided for officers and enlisted men of the Fleet Naval Reserve. (Feb. 28, 1925, c. 374, § 35, 43 Stat. 1089.)

See note to § 2900½-1, ante.

§ 2900½-35a. Same; issue of articles of uniform to members of—Until June 30, 1926, members of the Volunteer Naval Reserve may, in the discretion of the Secretary of the Navy, be issued such articles of uniform as may be required for their drills and training, the value thereof not to exceed that authorized to be issued to other classes of the Naval Reserve Force and to be charged against the clothing and small stores fund. (Feb. 11, 1925, c. 200, 43 Stat. 866.)

This section is a provision of the Navy Department and naval service appropriation act for the year 1926, cited above.

GENERAL PROVISIONS

§ 2900½-36. Naval Reserve; regulations for recruiting, organization, government, administration, training, inspection and mobilization; detail of officers and enlisted men of regular Navy to; leave of absence to officers and employees of United States or District of Columbia members of Naval Reserve while on training duty—The Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of this Act, for the recruiting, organization, government, administration, training, inspection, and mobilization of the Naval Reserve hereby created and established, and shall detail such officers and enlisted men and shall make available such vessels, material, armament, equipment, and other facilities of the regular Navy as he may deem necessary and advisable for the development of the Naval Reserve in accordance with the provisions of this Act Provided, That all officers and employees of the United States or of the District of Columbia, who are members of the Naval Reserve, shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they are employed, under orders, on training duty for periods not to exceed fifteen days in any one calendar year. (Feb 28, 1925, c. 374, § 36, 43 Stat. 1089)

See note to § 2900½-1, ante

§ 2900½-37. Same; annual appropriation for—The necessary funds are hereby authorized to be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Naval Reserve, including all expenses pertaining thereto as authorized by law. (Feb. 28, 1925, c. 374, § 37, 43 Stat 1090.)

See note to § 2900½-1, ante

§ 2900½-38. Statement in annual estimates by Secretary of Navy of amounts required for carrying out certain provisions of act—The Secretary of the Navy shall submit annually in connection with the estimates for the Navy Department a statement showing separately the sums required for the following purposes under this Act:

(a) The estimated amount necessary for all purposes for the Fleet Naval Reserve for the succeeding fiscal year, not including pay and allowances of former enlisted men of the regular Navy transferred or assigned to the Fleet Naval Reserve.

(b) The estimated amount for said fiscal year required to cover the pay and allowances of those former enlisted men of the regular Navy transferred to the Fleet Naval Reserve.

(c) The amount estimated for said fiscal year to cover the annual payment of $25 allowed by section 22 of this Act to those men of the Naval Reserve who have been assigned thereto. (Feb. 28, 1925, c. 374, § 38, 43 Stat. 1090.)

See note to § 2900½-1, ante.

§ 2900½-39. Appropriations for Naval Reserve Force available for carrying act into effect—Unobligated funds from appropriations for the Naval Reserve Force and the various classes thereof for the current fiscal year and thereafter are hereby made available for carrying the provisions of this Act into effect. (Feb. 28, 1925, c. 374, § 39, 43 Stat. 1090)

See note to § 2900½-1, ante.

§ 2900½-40. Time of taking effect of act—This Act shall take effect on July 1, 1925, which date shall be construed as the date of the passage or approval thereof. (Feb. 28, 1925, c. 374, § 40, 43 Stat. 1090.)

See note to § 2900½-1, ante.

Chapter Eight AAA—Naval Reserve Officers' Training Corps

§ 2900½. Establishment of Naval Reserve Officers' Training Corps; regulations for establish-

ment and operation of; powers of Secretary of Navy as to; specific appropriation for expenditures required; appointment of members of as Naval Reserve officers; naval includes Marine Corps; total of personnel—A Naval Reserve Officers' Training Corps is hereby authorized to be established and operated under such regulations as the President may prescribe, which regulations shall, so far as may be practicable, conform to the provisions of the national defense Act approved June 3, 1916, sections 40 to 53 inclusive (39 Statutes at Large, pages 191 to 194), as amended by the Act approved June 4, 1920, sections 33 and 34 (41 Statutes at Large, pages 776 to 779): Provided, That the powers conferred therein upon the Secretary of War with regard to the Reserve Officers' Training Corps are hereby conferred upon the Secretary of the Navy with regard to the Naval Reserve Officers' Training Corps Provided further, That all expenditures in connection with the establishment and operation of the Naval Reserve Officers' Training Corps shall be specifically appropriated therefor And provided further, That members of the Naval Reserve Officers' Training Corps shall be eligible for appointment as Naval Reserve officers under the same conditions as provided by law for the appointment of Naval Reserve officers from other citizens of the United States, and when so appointed shall have the same status and be entitled to the same benefits in all respects as provided by law for other members of the Naval Reserve. And provided further, That the word "naval" wherever used in this section shall be construed to include Marine Corps. Provided further, That the total personnel of the Naval Reserve Officers' Training Corps shall not exceed at any one time more than twelve hundred. (March 4, 1925, c. 536, § 22, 43 Stat 1276.)

This section is section 22 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

Chapter Nine—The Marine Corps

The Navy Department and naval service appropriation act for the year 1926, Act Feb 11, 1925, c 209, 43 Stat. 879, contains the following provision following appropriations for the Marine Corps.

"* * * and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund"

§ 2901a. Major Generals—The rank and title of Major General is hereby created in the Marine Corps, and the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint one Major General, who shall at all times be junior in rank to the Major General Commandant, and also one temporary Major General in the Marine Corps, who shall at all times be junior to the permanent Major General. (July 1, 1918, c. 114, 40 Stat. 715.)

From the Naval appropriation act for the year 1919, cited above.

§ 2901b. Temporary brigadier generals, colonels, and lieutenant colonels—Based on the temporary increase of enlisted men of the Marine Corps herein authorized, the President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint not exceeding six brigadier generals, twenty-two colonels, and twenty-two lieutenant colonels in the Marine Corps in addition to the number permanently allowed by law in those grades; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same and not later than six months after the termination of the present war (May 22, 1917, c. 20, § 4, amended, July 1, 1918, c. 114. 40 Stat. 716)

This section was added by amendment to Act May 22, 1917, c 20, § 4, by Act July 1, 1918, c 114, cited above The other provisions of said Act May 22, 1917, c 20, § 4, are set forth ante, §§ 2483g, 2511d

§ 2903h. Temporary officers in grades of captain and below eligible to fill vacancies in permanent strength by transfer to or reappointment thereto—All officers serving temporarily in the grades of captain and below upon the date of the passage of this Act shall be eligible to fill existing vacancies and those hereby created in the permanent authorized strength in said grades by transfer to or reappointment in the permanent Marine Corps in the grades not above that of captain. (June 4, 1920, c. 228, § 1, 41 Stat. 830)

This section, and the 6 sections next following, are provisions of the Naval appropriation act for the fiscal year 1921, cited above.

§ 2903i. Same; transfers without regard to age; transfer to lower grades—Transfers so made shall be without regard to age, and if found not qualified for transfer to the same grade as that held by them on the date of transfer then to lower grades after qualification (June 4, 1920, c. 228, § 1, 41 Stat. 830)

See note to § 2903h, ante

§ 2903j. Same; establishment of qualifications—All officers so transferred shall establish to the satisfaction of the Secretary of the Navy, under such rules as he may prescribe, their mental, moral, professional, and physical qualifications to perform the duties of the grade to which transferred or reappointed and shall take precedence with each other and with other officers of the Marine Corps in such order as may be recommended by a board of marine officers and approved by the Secretary of the Navy. (June 4, 1920, c. 228, § 1, 41 Stat. 830)

See note to § 2903h, ante.

§ 2903k. Same; officers discharged or assigned to inactive duty—All persons who served honorably as officers in the Marine Corps or Marine Corps Reserve on active duty at any time between April 6, 1917, and the date of the passage of this Act and who have been honorably discharged or assigned to inactive duty shall be eligible for permanent appointment in the same or a lower rank than that held on discharge or assignment to inactive duty, but not above the rank of captain, to fill vacancies existing or hereby created in the permanent authorized strength of the Marine Corps under the same conditions as those above prescribed for officers now in the service. (June 4, 1920, c. 228, § 1, 41 Stat. 830.)

See note to § 2903h, ante.

§ 2903l. Same; officers not qualified for permanent commissions; appointment as warrant officers—Officers now holding temporary commissions in the Marine Corps and who have had more than ten years' service therein, if not found qualified for permanent commissions, and who are recommended by the board herein provided for, may be appointed warrant officers in the Marine Corps; and the authorized number of warrant officers is hereby increased by a number not to exceed fifty to provide for the appointment of the aforesaid officers. (June 4, 1920, c. 228, § 1, 41 Stat. 830.)

See note to § 2903h, ante.

§ 2903m. Same; limitation on date of transfers—All transfers and appointments made in accordance with the provisions of this section shall be accomplished by June 30, 1921. (June 4, 1920, c. 228, § 1, 41 Stat. 830.)

See note to § 2903h, ante.

§ 2903n. Same; retention of temporary appointments until permanently commissioned—The officers now holding temporary appointments as commissioned officers in the Marine Corps may retain their temporary commissions until the permanent appointments provided for in the foregoing section shall have been made. (June 4, 1920, c. 228, § 1, 41 Stat. 830)

See note to § 2903h, ante.

§ 2904aa. Marine Corps personnel; promotion or advancement in grade or rank; certificate of examining board—No officer of the Marine Corps below the grade or rank of colonel shall be promoted or advanced in grade or rank on the active list unless the examining board provided for in the Act approved July 28, 1892, entitled "An Act to provide for the examination of certain officers of the Marine Corps, and to regulate promotions therein" (Twenty-seventh Statutes, page 321), shall, in addition to making such certificate of qualification for promotion or advancement as may be prescribed by the Secretary of the Navy, certify that there is sufficient evidence before the board to satisfy the board that the officer is fully qualified professionally for the higher grade or rank. (March 4, 1925, c. 536, § 7, 43 Stat 1272.)

This section, and the next section following, are parts of section 7 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above

§ 2904aaa. Same; reexamination for promotion or advancement; discharge or retirement upon failure to qualify upon reexamination; retired pay—Any officer of the Marine Corps who fails to qualify professionally upon examination for promotion or advancement shall be reexamined as soon as may be expedient after the expiration of one year if he in the meantime again becomes due for promotion, and if he does not in the meantime again become due for promotion he shall be reexamined at such time anterior to again becoming due for promotion as may be for the best interests of the service: Provided, That if any such officer of less than ten years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination he shall be honorably discharged from the Marine Corps with one year's pay: Provided further, That if any such officer of more than ten years' total active service, exclusive of service as midshipman or cadet at the United States Naval Academy or the United States Military Academy, fails to qualify professionally upon reexamination, he shall not be discharged from the Marine Corps on account of such failure, but shall thereafter be ineligible for promotion or advancement; and any such officer shall be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per centum for each year of total active service to be computed in accordance with the provisions of section 1 of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per centum, upon attaining, or if he had previously attained, the ages in the various grades and ranks, as follows: Lieutenant colonel, fifty years, major and company officers, forty-five years. (March 4, 1925, c. 536, § 7, 43 Stat. 1272.)

See note to § 2904aa, ante.

§ 2906a. Staff; filling vacancies in heads of staff departments—Hereafter, as vacancies occur, the heads of staff departments shall be appointed for terms of four years from officers holding permanent appointments in the departments in which the vacancies occur whose names appear on eligible lists prepared annually by a board of not less than five officers of the Marine Corps above the grade or rank of colonel, including the major general commandant and the heads of the staff departments, and approved by the President, but no head of a staff department appointed for a term of four years shall sit as a member of the board during consideration of names for the eligible list for his department: Provided, That in case there be no officer holding a permanent appointment in a staff department whose name is borne on the eligible list for appointment as head of that department, the appointment shall be made from officers of field rank of the Marine Corps whose names are borne on the aforesaid eligible list for that department. (March 4, 1925, c. 536, § 7, 43 Stat 1272)

This section is a part of section 7 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2908a. Enlisted force—The authorized enlisted strength of the active list of the Marine Corps is hereby permanently established at twenty-seven thousand four hundred, distribution in the various grades to be made in the same proportion as provided under existing law. (June 4, 1920, c. 228, § 1, 41 Stat 830)

This section is a part of § 1 of the Naval appropriation act for the fiscal year 1921, cited above

§ 2909a. Marine band; pay and allowances—Marine Band. The band of the United States Marine Corps shall consist of one leader whose pay and allowances shall be those of a captain in the Marine Corps; one second leader whose pay shall be $200 per month and who shall have the allowances of a sergeant major; ten principal musicians whose pay shall be $150 per month; twenty-five first-class musicians whose pay shall be $125 per month; twenty second-class musicians whose pay shall be $100 per month; and ten third-class musicians whose pay shall be $85 per month; such musicians of the band to have the allowances of a sergeant: Provided, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: Provided further, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922: Provided further, That in the event of promotion of the second leader, or a musician of the band to leader of the band, all service as such second leader, or as such musician of the band, or both, shall be counted in computing longevity increase in pay: And provided further, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances. (March 4, 1925, c. 536, § 11, 43 Stat. 1274.)

This section is section 11 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above. It supersedes in part a provision of Act Aug. 29, 1916, c. 417, relating to the personnel and pay of the Marine band. (See U. S. Comp. St 1918, § 2909)

§ 2911aa. Commissions to midshipmen—Any midshipman of the United States Naval Academy who has heretofore failed to graduate therefrom and who shall have served honorably in the Marine Corps for a period of one year, and who has passed satisfactorily the examination for appointment as a commissioned officer of the Marine Corps, may be commissioned prior to the graduation of the class at the Naval Academy of which he was a member. (April 25, 1922, c. 141, 42 Stat 499.)

This section is a resolution entitled a "Joint Resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions," cited above.

§ 2911b. Computation of length of service of officers of Marine Corps—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194. Feb. 11, 1925, c. 209, 43 Stat. 872)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. This same provision is contained in a prior act.

§ 2916a. Pay clerks—The title of clerks for assistant paymasters is hereby changed to pay clerk, who shall hereafter receive the same pay, allowances, and other benefits now provided by law for clerks for assistant paymasters; and the total number of pay clerks shall not exceed ten for duty in the office of the paymaster, Marine Corps, fifteen for duty in the paymaster's department at large, and one for each assistant paymaster: Provided, That nothing herein contained shall be construed to reduce the pay, allowances, or other benefits granted by existing law to any clerk for assistant paymaster now in service. (July 1, 1918, c. 114, 40 Stat. 735.)

From the Naval appropriation act for the year 1919, cited above.

§ 2918aa. Temporary increase of enlisted force; privates first class—The authorized enlisted strength of the active list of the Marine Corps is hereby temporarily increased from seventeen thousand four hundred to seventy-five thousand five hundred, this authorized strength being distributed in the various grades of the enlisted force in the same proportion as those authorized at the date of the approval of this Act: Provided, That not more than twenty-five per centum of the authorized number of privates in the Marine Corps shall have the rank of private, first class, which rank is hereby established in the Marine Corps. (May 22, 1917, c. 20, § 2, 40 Stat. 84, amended, July 1, 1918, c. 114, 40 Stat. 714.)

This section was amended by Act July 1, 1918, c 114, cited above, by raising the authorized increase from 30,000, as authorized by this section as originally enacted, to 75,500 and by adding the proviso, so as to make the section read as set forth above.

§ 2918aaa. Same—The authorized enlisted strength of the active list of the Marine Corps is hereby temporarily increased to 27,400, plus such number of men as may be serving with the American Expeditionary Forces abroad: Provided, That the average number of enlisted men of the Marine Corps on active duty during the fiscal year ending June 30, 1920, shall not exceed 27,400, distribution in the various grades to be made in the same proportion as provided under existing law. (July 11, 1919, c. 9, 41 Stat. 152.)

From the Naval appropriation act for the year 1920, cited above.

§ 2918aaaa. Temporary appointments of officers to lower grades on reduction of force—In making reductions required by this Act, officers holding temporary appointments may be given temporary appointments in lower grades, and officers so appointed shall take precedence from the dates of their original appointments in such lower grades. (July 11, 1919, c. 9, 41 Stat 153.)

From the Naval appropriation act for the year 1920, cited above.

§ 2924aa. Brigadier generals of line appointed from colonels of line—Brigadier generals of the line shall, subject to physical examination, be appointed from colonels of the line whose names are borne on the eligible list prepared annually by a board of not less than five general officers of the Marine Corps, and approved by the President. (March 4, 1925, c. 536, § 7, 43 Stat. 1272.)

This section is a part of section 7 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above

§ 2924b. Temporary promotion of officers serving with Army—Commissioned officers of the Marine Corps, detached for duty with the Army under the provisions of section sixteen hundred and twenty-one, Revised Statutes, shall be eligible, in the same manner as officers of the Regular Army, for temporary promotion to higher grades in any of the forces provided by the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen: Provided, That officers of the Marine Corps temporarily promoted to higher grades in any of the forces of the Army under the provisions of this Act shall not thereby vacate their permanent appointments or commissions, or be prejudiced in their relative lineal standing in the Marine Corps: Provided further, That temporary vacancies in the Marine Corps caused by the appointment of officers to higher grades in the Army shall be temporarily filled in the same manner as is now prescribed by law And provided further, That the temporary promotions herein authorized shall continue only while such officers are detached for duty with the Army. (Jan. 12, 1919, c. 7, 40 Stat. 1054)

This section is an act entitled "An act to provide for the temporary promotion of commissioned officers of the Marine Corps serving with the Army"

§ 2925a. Advertising for recruits—Hereafter authority is hereby granted to employ the services of advertising agencies in advertising for recruits under such terms and conditions as are most advantageous to the Government. (July 1, 1918, c 114, 40 Stat. 736.)

This section is a provision of the Naval appropriation act for the fiscal year 1919, cited above It supersedes a similar provision contained in Act June 15, 1917, c. 29, § 1, 40 Stat 214.

§ 2929.

For pay, allowances, etc, to officers, warrant officers, and enlisted men of the Marine Corps, see ante, §§ 2815a-2815a(22) See, also, ante, § 2089a(1).

§ 2937a. Commutation of quarters—Commutation of quarters for enlisted men on recruiting duty, for officers and enlisted men serving with or without troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspectors, assistant paymasters, assistant quartermasters, at $21 each per month, and for enlisted men employed as messengers in said offices, at $10 each per month, $711,100. (July 12, 1921, c 44, § 1, 42 Stat. 136)

From the Naval service appropriation act for the year 1922, cited above These provisions are contained in prior acts

§ 2938.

See ante, § 2174a.

§ 2938a. Rations—Hereafter, except when detached by the President of the United States for duty with the Army, enlisted men of the Marine Corps shall be entitled to the same allowance for rations as are enlisted men of the Navy, under such rules and regulations as may be prescribed by the Secretary of the Navy. (July 11, 1919, c. 9, 41 Stat. 154.)

From the Naval appropriation act for the year 1920, cited above.

§ 2942aa. Uniforms, accouterments, and equipment—Clothing, Marine Corps: For enlisted men authorized by law * * *: Provided, That hereafter this

appropriation shall be available for the purchase of uniforms, accouterments, and equipment for sale at cost price to officers under such regulations as the Secretary of the Navy may prescribe. (July 11, 1919, c. 9, 41 Stat. 154)

From the Naval appropriation act for the year 1920, cited above

§ 2942aaa. Receipts from post laundries—Hereafter the funds received in payment for laundry work performed by post laundries shall be used to defray the cost of operation of such laundries and the receipts and expenditures shall be accounted for in accordance with the methods prescribed by law and any sums remaining at the end of the fiscal year after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plants is paid (July 11, 1919, c. 9, 41 Stat. 155.)

From the Naval appropriation act for the year 1920, cited above

§ 2942b. Transfer of reserve stock of supplies—Marine Corps. * * The Secretary of War is authorized and directed to transfer to the Secretary of the Navy for the use of the Marine Corps without payment therefor, such reserve stock of clothing, arms, and equipment, and other necessary military supplies, inventoried at the cost to the Army and not to exceed in the aggregate $7,000,000, as the same from time to time may be requisitioned. (Feb. 25, 1919, c. 39, § 4, 40 Stat 1174)

From the "Second Deficiency Appropriation Act 1919," cited above.

§ 2942c. Clothing for marines discharged for bad conduct, etc.—Hereafter the appropriation, "General expenses, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed $15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude. (March 4, 1925, c. 536, § 10, 43 Stat. 1274.)

This section is a part of section 10 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2952aa. Retirement of certain officers of grade or rank of colonel; pay—Any officer of the grade or rank of colonel whose name is not borne on one of the current eligible lists for appointment as brigadier general or head of a staff department shall, if more than fifty-six years of age, be retired with a percentage of the pay received by him at the date of retirement equal to 2½ per centum, to be computed in accordance with the provisions of section 1 of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, not to exceed 75 per centum. (March 4, 1925, c. 536, § 7, 43 Stat. 1273.)

This section is a part of section 7 of an act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," cited above.

§ 2952d. [Repealed.]

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c. 212, 42 Stat. 625, relating to such organizations See §§ 2900½-1 to 2900½-10 and notes thereunder.

Chapter Nine A—Naval Flying Corps

§ 2952½bb. Number of officers and enlisted men of Navy and Marine Corps detailed to duty in aircraft—The number of officers and enlisted men of the Navy and Marine Corps detailed to duty in aircraft and involving actual flying and to duties in connection with aircraft shall hereafter be in accordance with the requirements of Naval Aviation as determined by the Secretary of the Navy. Provided, That not to exceed 30 per centum of the officers in each grade below that of rear admiral who fail to qualify as aircraft pilots or as aircraft observers within one year after the date of their detail into the Bureau of Aeronautics shall be permitted to remain detailed in this bureau: Provided further, That flying units or detachments, with the exception of aircraft carriers or other vessels, shall in all cases be commanded by flying officers. (July 12, 1921, c. 44, § 8, 42 Stat. 141.)

A part of § 8 of the Naval appropriation act for the year 1922, cited above

§ 2952½cc. Pay of members; increase—Hereafter the allowances of officers, enlisted men, and student flyers of the naval service shall in no case be increased by reason of the performance of aviation duty. (July 1, 1918, c. 114, 40 Stat. 718.)

From the Naval appropriation act for the year 1919, cited above.

Chapter Nine B—Desertions

§ 2954.

For removal from records of charges of desertion against commissioned officers, warrant officers, or enlisted men of Navy or Marine Corps, who served in the World War, see ante, § 2307a.

Chapter Ten—Articles for the Government of the Navy

§ 2988a.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb. 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained

in Act Aug 29, 1916, c 417, 39 Stat. 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c. 18, 40 Stat 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c. 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 3037.

The Naval Reserve Force, established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c 374, 43 Stat 1080 The United States Marine Corps Reserve established under Act Aug. 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c. 374, 43 Stat 1080 By section 3 of said Act Feb. 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 22, 1917, c 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12 1921, c 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

TITLE XVI—THE MILITIA

Chapter A—The National Guard and the Unorganized Militia

§ 3044. Composition of the National Guard; payments to warrant officers and enlisted men not affected by age—The National Guard shall consist of regularly enlisted men who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistments shall not be more than sixty-four years of age, organized, armed, and equipped as hereinafter provided, and of commissioned officers and warrant officers between the ages of twenty-one and sixty-four years: Provided, That in cases of appointments of warrant officers or enlistments made in accordance with National Guard regulations, no payments heretofore made to such warrant officers and enlisted men for participating in exercises or performing the duties described in sections 92, 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended, or any bona fide claim therefor, shall be held or considered invalid because such warrant officer or enlisted man was of an age greater than forty-five years at the time of his appointment or enlistment or at the time of the performance of such duties. (June 3, 1916, c. 134, § 58, 39 Stat. 197, amended, Feb. 28, 1925, c. 371, § 1, 43 Stat. 1075.)

This section was amended by Act Feb 28, 1925, c. 371, § 1, cited above, to read as set forth above. For this section prior to this amendment, see U. S Comp St 1918, § 3044

§ 3044a. National Guard; organization of units; minimum enlisted strength—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units Until July 1, 1921, companies and corresponding units of the National Guard may be recognized at a minimum enlisted strength of fifty. Provided, That the National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States. (June 3, 1916, c 134, § 60, 39 Stat. 197, amended, June 4, 1920, c. 227, subchapter I, § 36, 41 Stat 780.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 36, cited above, by adding thereto the provision beginning "Until July 1, 1921," etc

§ 3044aa. Reduction of mounted, motorized, air, and tank units of National Guard—The mounted, motorized, air, medical, and tank units and motor transport, military police, wagon and service companies of the National Guard shall be so reduced that the appropriations made in this Act shall cover the entire cost of maintenance of such units for the National Guard during the fiscal year 1926. (June 30, 1922, c. 253, title I, 42 Stat 750. March 2, 1923, c. 178, title I, 42 Stat. 1411. June 7, 1924, c. 201, title I, 43 Stat. 506. Feb. 12, 1925, c. 225, title I, 43 Stat. 921)

From the War Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 3044c(1). First Corps Cadets, Massachusetts—Pursuant to section 63 of the National Defense Act of June 3, 1916, as amended, the First Corps Cadets, antedating, and continuously existing in the State of Massachusetts since, the Act of May 8, 1792, now designated as the Second Battalion, Two hundred and eleventh Artillery, Antiaircraft, Coast Artillery Corps, First Corps Cadets, Massachusetts National Guard, hereby declared to be such a corps as is defined in said section 63 for all the purposes thereof and now incorporated in the Organized Militia and a part of the National Guard of Massachusetts, shall be allowed to retain its ancient privileges and organization. Said First Corps Cadets is hereby further declared to be entitled to a lieutenant colonel in command, and a major second in command; and said officers, when federally recognized, shall receive, in accordance with the provisions of said National Defense Act, and the Pay Readjustment Act of June 10, 1922, the pay of their respective grades. Provided, That nothing in this section or other provisions of law shall be deemed to be in derogation of any other ancient privileges to which said First Corps Cadets is entitled under the laws, customs, or usages of the State of Massachusetts. (June 6, 1924, c. 275, § 6, 43 Stat. 471.)

This section is § 6 of an act entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes," cited above.

§ 3044cc. National Guard; officers and enlisted men of Staff Corps and Departments—The National Guard of any State, Territory, or the District of Columbia shall include such officers and enlisted men of the staff corps and departments, corresponding to those of the Regular Army, as may be

authorized by the Secretary of War. (July 9, 1918, c. 143, 40 Stat. 875)

This section is a provision of the Army appropriation act for the fiscal year 1919, cited above. It supersedes a similar provision of Act May 12, 1917, c. 12, 40 Stat. 68

§ 3044h. National Guard; original and subsequent enlistments; terms of—Original enlistments in the National Guard shall be for a period of three years, and subsequent enlistments for periods of one year or three years each. (June 3, 1916, c. 134, § 69, 39 Stat. 200, amended, July 11, 1919, c. 8, 41 Stat. 127, June 4, 1920, c. 227, subchapter I, § 37, 41 Stat. 781, and June 6, 1924, c. 275, § 4, 43 Stat. 470)

This section was amended by Act July 11, 1919, c. 8, cited above, to read as follows: "Enlistments in the National Guard. Hereafter the period of enlistment in the National Guard shall be the same as is, or may be, prescribed for the Regular Army: Provided, That all persons who have served as enlisted men in the Army of the United States, or the Organized Militia of the several States subsequent to April 6, 1917, and who have been honorably discharged from such service, may within six months after such discharge or within six months after the passage of this Act, enlist in the National Guard for a period of one year and may reenlist for like periods, and that such enlistments shall not be counted in computing the proportion authorized to be enlisted for one year to conform to the period of enlistment prescribed for the Regular Army. Provided further, That enlisted men in the National Guard of the several States now serving under contracts, providing for a six-year period of enlistment—three years in an active organization and the remaining three years in the National Guard Reserve—shall be afforded an opportunity to enlist for the periods specified above, and upon entering into a new contract of enlistment for a period of three years under this authority shall be given credit for the period served under the old enlistment contract and the previous enlistment shall in such cases and with the consent of the enlisted man be canceled."

It was again amended by Act June 4, 1920, c. 227, subchapter I, § 37, cited above, to read as follows: "Original enlistments in the National Guard shall be for a period of three years and subsequent enlistments for periods of one year each. Provided, That persons who have served in the Army for not less than six months, and have been honorably discharged therefrom, may, within two years after the passage of this Act, enlist in the National Guard for a period of one year and reenlist for like periods."

It was again amended by Act June 6, 1924, c. 275, § 4, cited above, to read as set forth above.

§ 3044i. Same; enlistment contract—Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three (or one) year—, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War." (June 3, 1916, c. 134, § 70, 39 Stat. 201, amended, June 4, 1920, c. 227, subchapter I, § 38, 41 Stat. 781.)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 38, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

For this section prior to this amendment, see U. S. Comp. St. 1918, § 3044.

§ 3044j. [Stricken by amendment.]

This section, Act June 3, 1916, c. 134, § 71, 39 Stat. 201, was amended by Act June 4, 1920, c. 227, subchapter I, § 39, 41 Stat. 781, by striking out the same.

§ 3044k. Discharge of enlisted men from the National Guard—An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 111 of this Act, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe. (June 3, 1916, c. 134, § 72, 39 Stat. 201, amended, June 4, 1920, c. 227, subchapter I, § 40, 41 Stat. 781)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 40, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

For this section prior to this amendment, see U. S. Comp. St. 1918, § 3044k.

§ 3044m. Qualifications for National Guard officers—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes, and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act; officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom, graduates of the United States Military and Naval Academies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certified their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein. (June 3, 1916, c. 134, § 74, 39 Stat. 201, amended, June 4, 1920, c. 227, subchapter I, § 41, 41 Stat. 781)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 41, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above.

For this section prior to this amendment, see U. S. Comp. St. 1918, § 3044m.

§ 3044p. National Guard Reserve; enlistment contract; pay and allowances; transfer of enlisted men of active National Guard to Reserve; transfer of enlisted men in or men transferred to Reserve to active National Guard; pay of commissioned or enlisted reservist—Men duly qualified for enlistment in the active National Guard may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, to serve in the Reserve thereof, or in the active National Guard of the United States and said State if transferred thereto, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the Governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War." Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the National Guard Reserve; likewise, enlisted men hereafter enlisted in or transferred to the National Guard Reserve may be transferred to the active National Guard: Provided, That no enlisted man shall be required to

serve under any enlistment for a longer time than the period for which he enlisted in the active National Guard or National Guard Reserve as the case may be. Members of said Reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: Provided further, That except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes (June 3, 1916, c. 134, § 78, 39 Stat. 202, amended June 4, 1920, c. 227, subchapter I, § 42, 41 Stat. 782, and Feb. 28, 1925, c. 371, § 2, 43 Stat. 1076.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 42, cited above, to read as follows "Hereafter, men duly qualified under regulations prescribed by the Secretary of War may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: 'I do hereby acknowledge to have voluntarily enlisted this —— day of ——, 19—, as a soldier in the National Guard Reserve of the United States and of the State of ——, for a period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ——, and that I will serve them honestly and faithfully against all their enemies whomsoever and that I will obey the orders of the President of the United States and the governor of the State of ——, and of the officers appointed over me according to law and the rules and Articles of War' Provided, That members of said reserve, officers and enlisted men, when engaged in field or coast defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged Provided further, That, except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes"

It was again amended by Act Feb 28, 1925, c. 371, § 2, cited above, to read as set forth above.

§ 3044q. [Stricken by amendment.]

This section, Act June 3, 1916, c 134, § 79, 39 Stat. 202, was amended by Act June 4, 1920, c 227, subchapter I, § 43, 41 Stat 782, by striking out the same.

§ 3044u. Pay for the National Guard officers—Under such regulations as the Secretary of War may prescribe, captains, lieutenants, and warrant officers belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding eight in any one calendar month and not exceeding sixty in one year, at which they shall have been officially present for the entire required period of not less than one and one-half hours. Officers above the grade of captain shall receive not more than $500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay prescribed for them in section 3 of said Pay Readjustment Act for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. In addition to pay hereinbefore provided, officers commanding organizations less than a brigade and having administrative functions connected therewith, shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: Provided, That section 9 of an Act amending the Act entitled 'An Act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe. (June 3, 1916, c. 134, § 109, 39 Stat. 209, amended, June 4, 1920, c. 227, subchapter I, § 47, 41 Stat 783, and June 3, 1924, c. 244, § 3, 43 Stat 364.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 47, cited above, by striking out the original section and inserting in lieu thereof the following (in part) "Captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed for the Regular Army for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month, at which they shall have been officially present for the entire required period, and at which at least 50 per centum of the commissioned strength and 60 per centum of the enlisted strength attend and participate for not less than one and one-half hours. Captains commanding organizations shall receive $240 a year in addition to the drill pay herein prescribed Officers above the grade of captain shall receive not more than $500 a year, and officers below the grade of major, not belonging to organizations, shall receive not more than four-thirtieths of the monthly base pay of their grades for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe Pay under the provisions of this section shall not accrue to any officer during a period when he shall be lawfully entitled to the same pay as an officer of corresponding grade in the Regular Army" The remainder of this section as above amended, is set forth ante, § 2123aa.

This section was again amended by Act June 3, 1924, c 244, § 3, also, cited above, to read as set forth above That part of this section set forth ante, as § 2123aa, was not changed by this last amendment

§ 3044u(1). Payments to National Guard officers validated—Payments heretofore made to captains and lieutenants belonging to organizations of the National Guard for drills provided for in section 109, National Defense Act, at which at least 50 per centum of the commissioned strength and 60 per centum or more of the enlisted strength, but not less than 60 per centum of the required recognition strength attended and participated for the required time be, and the same are hereby, validated; and such officers, who have heretofore participated in drills held under the conditions prescribed in this section and who have not been paid therefor, shall be paid in accordance with the provisions of this section. (March 4, 1923, c. 281, § 4, 42 Stat. 1508.)

This section is § 4 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For section 109 of Act June 3, 1916, c. 134, mentioned in this section, see ante, § 3044u.

§ 3044uu. Allowances to officers of National Guard receiving Federal pay; additional pay to field officers and lieutenants commanding certain organizations; pay of warrant officers—Officers of the National Guard receiving Federal pay, except for armory drill, and reserve officers of any of the services mentioned in the title of this Act while on active duty shall receive the allowances herein prescribed for officers of the regular services in sections 5 and 6 of this Act. Hereafter, in addition to the pay authorized in section 109, Act of June 3, 1916, as amended by the Act of June 4, 1920, field officers and lieutenants of the National Guard commanding organizations less than a brigade, and having administrative functions, shall receive $240 per year for the

faithful performance of the administrative duties connected therewith, and warrant officers of the National Guard shall receive not more than four-thirtieths of the monthly base pay of their grade for satisfactory performance of their appropriate duties, under such regulations as the Secretary of War may prescribe. (June 10, 1922, c. 212, § 14, 42 Stat. 631.)

This section, and § 3044v(2), post, are § 14 of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above. See note to 2089a(1), ante.

§ 3044uu(1). Increase of pay to officers, etc., of National Guard for service requiring participation in aerial flights, etc.—Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the National Defense Act, as amended, and of the reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and when such flying duty involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned. (June 10, 1922, c. 212, § 20, 42 Stat. 632, amended, May 31, 1924, c. 224, § 4, 43 Stat. 251.)

This section is a part of § 20 of Act June 10, 1922, c. 212, cited above, as amended by § 4 of Act May 31, 1924, c. 224, also cited above. See ante, § 2089a(18). Section 7 of said last amendatory act provides that the act shall be effective from and after July 1, 1922.

§ 3044uuu. Money allowances and rental of quarters to officers and warrant officers of National Guard participating in encampments, maneuvers, and instruction camps or attending service schools—Officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat. 1507.)

This section is § 1 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For sections 94, 97, and 99 of Act June 3, 1916, c. 134, mentioned in this section, see U. S. Comp. St. 1918, §§ 3066, 3066b, and post, § 3068. For sections 5, 6 and 11 of Act June 10, 1922, c. 212, also mentioned in this section, see ante, §§ 2089a(5), 2089a(6), and 2089a(10).

§ 3044v. Pay for National Guard enlisted men—Each enlisted man belonging to an organization of the National Guard, other than enlisted men of the sixth and seventh grades, shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army, and each of those of the sixth and seventh grades shall receive compensation as is provided in section 14 of the Pay Readjustment Act of June 10, 1922, for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding sixty drills in one year: Provided, That the proviso contained in section 92 of this Act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: Provided further, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service provided for in sections 94, 97, 99, and 101 of the National Defense Act, as amended) may be accepted as service in lieu of such drills when so provided by the Secretary of War: And provided further, That any enlisted man shall, under such regulations as the Secretary of War may prescribe, receive compensation under the provisions of this section for any drill had in accordance with such provisions where he is officially present and in which he participates for not less than one and one-half hours with a National Guard organization within the same State at a station other than his own, upon presentation of a certificate in form prescribed in said regulations from the organization commander to the commanding officer of the organization of which he is a member showing such drill participation.

All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st of March, the 30th day of June, the 30th day of September, and the 31st day of December of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: Provided, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the Finance, Inspection, Quartermaster, and Medical Departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District. (June 3, 1916, c. 134, § 110, 39 Stat. 209, amended, June 4, 1920, c. 227, subchapter I, § 48, 41 Stat. 784, Sept. 22, 1922, c. 423, § 6, 42 Stat. 1035, and June 6, 1924, c. 275, § 7, 43 Stat. 471.)

This section was amended by Act June 4, 1920, c. 227, subchapter 1, § 48, cited above, to read as follows:

"Each enlisted man belonging to an organization of the National Guard shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding sixty drills in one year: Provided, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per centum of the drills or other exercises prescribed for his organization: Provided further, That the proviso contained in section 92 of this Act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: And

provided further, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the thirty-first day of December and the thirtieth day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War Provided, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District Provided further, That the preceding proviso shall not apply to any State, Territory, or District until sixty days next after the adjournment of the next session of its legislature held after the approval of this Act"

It was again amended by Act Sept 22, 1922, c 423, § 6, cited above, to read as follows

"Pay for National Guard enlisted men· Each enlisted man belonging to an organization of the National Guard, other than enlisted men of the sixth and seventh grades, shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding sixty drills in one year Provided, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than sixty per centum of the drills or other exercises prescribed for his organization Provided further, That the proviso contained in section 92 or this Act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise. And provided further, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st of March, the 30th day of June, the 30th day of September, and the 31st day of December of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War· Provided, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the Finance, Inspection, Quartermaster, and Medical Departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District."

It was again amended by Act June 6, 1924, c. 275, § 7, cited above to read as set forth above.

§ 3044v(1). Pay of enlisted men of National Guard holding specialists' ratings—Enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings under the provisions of the National Defense Act, as amended, shall, in addition to the pay provided in section 14 of the Pay Readjustment Act of June 10, 1922, be entitled to one-thirtieth of the specialists' pay provided in section 9 of said Pay Readjustment Act for each day of participation in exercises provided for by sections 94, 97, and 99, National Defense Act, as amended. Provided, That payments heretofore made to enlisted men of the sixth and seventh grades of the National Guard holding specialists' ratings of one-thirtieth of the specialists' pay provided in section 9 of said Pay Readjustment Act for each day spent in participating in exercises or performing the duties provided for by sections 94, 97, 99, and 110 of the National Defense Act of June 3, 1916, as amended, be, and the same are hereby, validated. (June 3, 1924, c. 244, § 6, 43 Stat. 365.)

This section is § 6 of an act entitled "An act providing for sundry matters affecting the Military Establishment," cited above

§ 3044v(2). Armory drills, etc., pay for enlisted men—On and after July 1, 1922, the armory drill pay for enlisted men of the National Guard of the sixth grade shall be $1.15, and for those of the seventh grade shall be $1, in lieu of that authorized in section 110, Act of June 3, 1916, as amended by the Act of June 4, 1920, and the pay of enlisted men of the National Guard of the sixth and seventh grades shall be $1 15 and $1 per day, respectively, whenever they are participating in exercises provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916. (June 10, 1922, c. 212, § 14, 42 Stat. 632)

See note to § 3044uu, ante.

§ 3044vv. Staff officers of National Guard of District of Columbia; eligibility; retirement—To comply with the provisions of section 110, of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, it is hereby provided that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, appointed in the National Guard of the District of Columbia shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the National Guard of the District of Columbia. (July 11, 1919, c. 8, 41 Stat. 127.)

This section is a provision of the army appropriation act for the fiscal year 1920, cited above. For Act June 3, 1916, c 134, § 110, referred to in this section, see U. S. Comp. St. 1918, § 3044v.

§ 3044vv(1). Payments to National Guard validated—Payments heretofore made to the National Guard of any State, Territory, or the District of Columbia, which by regulation required the qualification for staff officers as provided in section 110 of the National Defense Act, approved June 3, 1916, as amended, be, and the same are hereby, validated regardless of the failure of such State, Territory, or the District of Columbia to provide by statute for the requirement of such qualification. (March 4, 1923, c. 281, § 5, 42 Stat. 1508)

This section is § 5 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For section 110 of Act June 3, 1916, c 134, as amended, mentioned in this section, see ante, § 3044v. For section 14

of Act June 10, 1922, c 212, mentioned in the title of the act of which this is section 5, see ante, §§ 3044uu, 3044v(2)

§ 3044vv(2). Payments made to warrant officers of National Guard validated—Payments made to warrant officers of the National Guard, under the provisions of section 14 of the Pay Readjustment Act of June 10, 1922, for the performance of their duties during the period beginning with the 1st day of July, 1922, and ending with the 29th day of October, 1923, be, and the same are hereby, validated, notwithstanding the nonexistence during said period of regulations authorized to be prescribed by said section, and warrant officers who during said period performed the duties prescribed by the Secretary of War in paragraph 928 (b) of National Guard Regulations, 1922, as amended by changes numbered 9 to such regulations, dated October 30, 1923, and who have not been paid therefor, shall be paid in accordance with the provisions of said regulations. (June 3, 1924, c. 244, § 7, 43 Stat. 366)

This section is § 7 of an act entitled "An act providing for sundry matters affecting the Military Establishment," cited above

§ 3044vv(3). Payments for attendance at drills validated—Payments heretofore made to captains, lieutenants, and enlisted men belonging to organizations of the National Guard for attendance at drills regularly ordered for only a subdivision or part of an organization, under the authority of any provision of the National Guard regulations prescribed by the Secretary of War and in effect at the time said drills were held, be, and the same are hereby, validated and such captains, lieutenants, and enlisted men who have heretofore participated in drills held under the conditions described in this section and who have not been paid therefor, shall be paid in accordance with the provisions of said National Guard Regulations in effect at the time said drills were held. (June 3, 1924, c. 244, § 8, 43 Stat. 366)

This section is § 8 of an act entitled "An act providing for sundry matters affecting the Military Establishment," cited above

§ 3044vvv. Pay in arrears; settlement—Members of the National Guard and Officers' Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the thirty-first day of a calendar month shall not be excluded from the computation. (June 30, 1922, c. 253, title I, 42 Stat. 749, amended, Sept. 14, 1922, c. 307, § 3, 42 Stat. 841.)

This section, a provision of the War Department appropriation act for the year 1923, was amended by Act Sept 14, 1922, c 307, § 3, cited above. This amendment consists in the addition, after the words "National Guard," of the words "and Officers' Reserve Corps." See, also, note to § 1717b (1cc), ante. Prior Army appropriation acts have contained similar provisions.

§ 3044vvvv. Pay in arrears; amounts included—Hereafter the payments authorized by section 3, Act of September 14, 1922 (Public Numbered 299, Sixty-seventh Congress), may include the entire amount lawfully accruing to such officers as pay, allowances, and mileage on account of such service, and, including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service is performed. (March 4, 1923, c. 281, § 3, 42 Stat. 1508.)

This section is § 3 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.
For section 3 of Act Sept. 14, 1922, c. 307, mentioned in this section, see ante, § 3044vvv.

§ 3045. National Guard where drafted into Federal Service; effect; officers; pay; discharge—When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, whose permanent retention in the military service is not contemplated by law, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service. On the termination of the emergency all persons so drafted shall be discharged from the Army, shall resume their membership in the militia, and, if the State so provide, shall continue to serve in the National Guard until the dates upon which their enlistments entered into prior to their draft, would have expired if uninterrupted. (June 3, 1916, c. 134, § 111, 39 Stat. 211, amended, June 4, 1920, c. 227, subchapter I, § 49, 41 Stat. 784.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 49, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above
For this section prior to this amendment, see U. S. Comp. St 1918, § 3045.
For pay of officers of National Guard authorized by law to receive Federal pay, see ante § 2089a(3).

§ 3045a. Services rendered by National Guard officers prior to Dec. 15, 1922; payments therefor validated—Service rendered by National Guard officers during temporary Federal recognition, prior to December 15, 1922, shall be deemed to have been rendered in compliance with the provisions of section 75, National Defense Act, approved June 3, 1916; and all payments heretofore or hereafter made therefor are hereby validated and authorized. (March 4, 1923, c. 281, § 2, 42 Stat. 1508.)

This section is § 2 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.
For section 75 of Act June 3, 1916, c 134, mentioned in this section, see U. S. Comp. St. 1918, § 3044n.

§ 3054. Appropriation, apportionment, and disbursement of funds for National Guard—A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.

The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be pre-

scribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: Provided, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof, for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard, for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 11 of the Pay Readjustment Act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons, for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law. (June 3, 1916, c. 134, § 67, 39 Stat 199, amended, Sept. 22, 1922, c. 423, § 3, 42 Stat 1034)

This section was amended by Act Sept 22, 1922, c 423, § 3, cited above, by changing the second paragraph thereof to read as set forth above. For this section prior to this amendment see U S Comp. St. 1918, § 3054

For current appropriation for arms, uniforms, equipment, etc, for the field service of the National Guard, see Act Feb 12, 1925, c. 225, title I, 43 Stat. 920

§ 3057. Disposition and replacement of damaged property, and so forth—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and shall remain available throughout the then current fiscal year and throughout the fiscal year following that in which the sales, stoppages, and collections were effected, for the purposes provided for in that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: Provided, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made. Provided further, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia accountable shall be relieved from further accountability therefor, such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretional substitute for the examination, report, and disposition provided for elsewhere in this section. (June 3, 1916, c. 134, § 87, 39 Stat. 204, amended June 3, 1924, c 244, § 1, 43 Stat. 363, and Feb. 28, 1925, c. 371, § 4, 43 Stat. 1077.)

This section was amended by Act June 3, 1924, c 244, § 1, to read as follows "All military property issued to the National Guard as herein provided shall remain the property of the United States Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: Provided further, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed

as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made And provided further, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia, accountable, shall be relieved from further accountability therefor, such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to property a discretional substitute for the examination, report, and disposition provided for elsewhere in this section."

It was again amended by Act Feb 28, 1925, c 371, § 4, cited above, to read as set forth above.

§ 3062a. Animals for National Guard—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes.

The number of animals so issued shall not exceed thirty-two for each battery of field artillery or troop of cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as now provided by law when said purposes shall have been served. (June 3, 1916, c. 134, § 89, 39 Stat. 205, amended, June 4, 1920, c. 227, subchapter I, § 45, 41 Stat. 783.)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 45, cited above, by striking out the original section and inserting in lieu thereof the section as set forth above

For this section prior to this amendment, see U. S. Comp. St. 1918, § 3062a

§ 3062b. Use of funds for forage, etc.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organizaton, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: Provided, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of ten to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia: Provided further, That whenever it shall be found impracticable to secure the necessary competent enlisted caretakers for the material, animals, armament, or equipment of any organization from the duly enlisted personnel thereof, the organization commander may employ one civilian caretaker therefor who shall be entitled to such compensation as may be fixed by the Secretary of War. (June 3, 1916, c. 134, § 90, 39 Stat. 205, amended, June 4, 1920, c. 227, subchapter I, § 46, 41 Stat. 783, March 1, 1922, c 90, 42 Stat 401, and June 6, 1924, c. 275, § 5, 43 Stat. 471)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 46, cited above, by striking out the original section and inserting in lieu thereof the following "Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe Provided, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia" For this section prior to this amendment, see U. S Comp St 1918, § 3062b.

It was again amended by Act March 1, 1922, c 90, cited above, to read as follows "Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of material, animals, and equipment issued mounted and other organizations, including motor drawn and air service, under such regulations as the Secretary of War may prescribe: Provided, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia"

It was again amended by Act June 6, 1924, c. 275, § 5, cited above, to read as set forth above.

§ 3063a. National Guard; clothing and equipment—The Secretary of War is hereby authorized to issue from stores now on hand and purchased for the United States Army such articles of clothing and equipment matériel as may be needed by the National Guard organized under the provisions of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916. This issue shall be made without charge against militia appropriations and shall be reimbursed in kind for all Federal property brought into service by State troops: Provided, That the provisions of section 62 of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, shall be considered fulfilled if the first strength mentioned therein be attained by June 30, 1920, and the other increments provided therein be attained by successive years thereafter: Provided further, That this shall not prevent any State from compliance with the provisions of section 62: Provided further, That the appropriations and provisions of this Act referring to the National Guard shall become applicable and available upon the approval of this Act. (July 11, 1919, c. 8, 41 Stat. 126.)

This section is a provision of the army appropriation act for the fiscal year 1920, cited above. For Act June 3, 1916, c. 134, § 62, referred to in this section, see U. S. Comp. St 1918, § 3044d.

§ 3063aa. Issue of clothing, equipment, etc., to National Guard—The Secretary of War is hereby directed to issue from surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal material and ammunition as may be needed by the National Guard organized under the provisions of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the Act approved June 4, 1920. This issue shall be made without charge against militia appropriations except for actual expenses incident to such issue. (June 30, 1922, c. 253, title I, 42 Stat. 740. March 2, 1923, c. 178, title I, 42 Stat. 1410. June 7, 1924, c. 291, title

I, 43 Stat 506. Feb 12, 1925, c. 225, title I, 43 Stat. 921)

From the War Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts

§ 3063aaa. Field artillery matériel for National Guard—Field Artillery Matériel, National Guard. * * For the purpose of manufacturing and procuring Field Artillery matériel for the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue said artillery matériel to the National Guard. * * (June 5, 1920, c. 240, 41 Stat. 973)

From the Army appropriation act for the year 1921, cited above

§ 3064a. Property and disbursing officers—The governor of each State and Territory and the Commanding General of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, the Adjutant General or an officer of the National Guard of the State, Territory, or District of Columbia, who shall be regarded as property and disbursing officer of the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: Provided, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: Provided further, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: And provided further, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section. (June 3, 1916, c. 134, § 67, 39 Stat. 200, amended, July 9, 1918, c. 143, subchapter III, 40 Stat. 878.)

This section was amended by Act July 9, 1918, c. 143, cited above, by inserting in the first sentence thereof, after the words "approval of the Secretary of War," the words "the Adjutant General or."

§ 3064aa. Agents of disbursing officers—Under such regulations as may be prescribed by the Secretary of War, property and disbursing officers of the National Guard accountable for public moneys may intrust money to other officers of the National Guard for the purpose of having them make disbursements as their agents, and the officers to whom the money is intrusted, as well as the officer intrusting the same to him, shall be held pecuniarily responsible therefor to the United States, and the agent officer shall be subject for his official misconduct to all the liabilities and penalties prescribed by law in like cases for the officer for whom he acts as agent. (June 3, 1924, c. 244, § 5, 43 Stat 365)

This section is § 5 of an act entitled "An act providing for sundry matters affecting the Military Establishment," cited above.

§ 3068. National Guard officers and men at service schools—National Guard officers and men at service schools, and so forth Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises, and any such officer shall receive out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in the Pay Readjustment Act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the Pay Readjustment Act of June 10, 1922, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station (June 3, 1916, c 134, § 99, 39 Stat. 207, amended, Sept 22, 1922, c. 423, § 5, 42 Stat. 1035.)

For this section prior to its amendment by Act Sept. 22, 1922, c. 423, § 5, cited above, see U. S. Comp. St 1918, § 3068.

§ 3068a. Credit of disbursing officers' accounts for payments of commutation for additional rations—Payments of commutation for the additional ration provided for certain noncommissioned officers by the Act of May 18, 1920, and the Act of June 4, 1920, made after July 1, 1922, to noncommissioned officers of the National Guard receiving pay under the provisions of sections 94, 97, and 99 of the National Defense Act, as amended, and remaining uncollected, are hereby authorized to be credited in the disbursing officers' accounts in which they now appear. (June 6, 1924, c. 275, § 9, 43 Stat. 472)

This section is § 9 of an act entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes," cited above.

§ 3070b(1). Rifle ranges—Hereafter the Secretary of War shall, within the limits of appropriations made from time to time by Congress and in accordance with reasonable rules and regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, authorize and provide for—

(a) Construction, equipment, maintenance, and operation of indoor and outdoor rifle ranges and their accessories and appliances;

(b) Instruction of able-bodied citizens of the United States in marksmanship and, in connection therewith, the employment of necessary instructors,

(c) Promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of such arms, and the issuance in connection therewith of the necessary arms, ammunition, targets, and other necessary supplies and appliances, and the award to competitors of trophies, prizes, badges, and other insignia;

(d) Sale to members of the National Rifle Association, at cost to the Government, and issue to clubs organized, for practice with rifled arms, under the direction of the National Board for the Promotion of Rifle Practice, of arms, ammunition, targets, and other supplies and appliances necessary for target practice;

(e) Maintenance of the National Board for the Promotion of Rifle Practice, including provision for the necessary expenses thereof and of its members,

(f) Procurement of necessary materials, supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor;

(g) Transportation of employees, instructors, and civilians to give or undergo instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or commutations in lieu of subsistence, of members of teams especially authorized by the Secretary of War to participate in matches or competitions in the use of rifled arms, making a full report of all things done hereunder annually to Congress (June 7, 1924, c. 291, title I, 43 Stat 510)

From the War Department appropriation act for the year 1925, cited above

For current appropriations for rifle ranges, etc., see Act Feb 12, 1925, c. 225, title I, 43 Stat. 925.

§ 3070bb. Commutation of traveling expenses to members of civilian rifle teams—Hereafter members of civilian rifle teams may, in the discretion of the Secretary of War, be paid, as commutation of traveling expenses at the rate of 5 cents per mile for the shortest usually traveled route from their homes to national matches, when authorized to participate therein by the Secretary of War and for the return travel thereto: Provided further, That the payment of travel pay for the return journey may be made in advance of the actual performance of travel. (June 5, 1920, c. 240, 41 Stat. 966)

From the Army appropriation act for the year 1921, cited above

§ 3071b. Training camps—The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, schools or camps for the military instruction and training, with a view to their appointment as reserve officers or noncommissioned officers, of such warrant officers, enlisted men, and civilians as may be selected upon their own application; to use for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accoutrements, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish at the expense of the United States uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, or in lieu of furnishing such transportation and subsistence to pay them travel allowances at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp, and for the return travel thereto, and to make the payment of travel allowances for the return journey in advance of the actual performance of the same, and medical attendance and supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith, and to sell to persons receiving instructions at said camps, for cash and at cost price, plus 10 per centum, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time for the sale The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section, to fix the periods during which such camps shall be maintained, to prescribe rules and regulations for the government thereof; and to employ thereat officers, warrant officers, and enlisted men of the Regular Army in such numbers and upon such duties as he may designate. (June 3, 1916, c. 134, § 51 [47d], added, June 4, 1920, c. 227, subchapter I, § 31, 41 Stat. 779)

This section was amended by Act June 4, 1920, c. 227, subchapter I, § 34, cited above, to read as set forth above For this section prior to this amendment see U. S. Comp. St 1918, § 3071b See, also, note to § 1881k, ante

For current appropriation for citizens' military training camps, see Act Feb 12, 1925, c. 225, title I, 43 Stat. 924

§ 3071d. Training camps; graduates of Military Academy as instructors—The service of graduates of the Military Academy may be utilized during the months of June, July, August, and September of the year in which they graduate as instructors at the citizens' training camps, and their graduation leave may be taken at the termination of their services as instructors at these camps. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

From the Army appropriation act for the year 1919, cited above.

§ 3072. Training of the National Guard—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: Provided, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or when so authorized by the Secretary of War of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which con-

stitute the assembly for the required period of time: Provided further, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War (June 3, 1916, c 134, § 92, 39 Stat 206, amended, June 3, 1924, c. 244, § 2, 43 Stat. 363.)

§ 3072a. Training of National Guard; camps—To provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction, and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law. To provide for camps of instruction for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for the purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation and enlisted men to subsistence in addition at the same rate as for encampments or maneuvers for field and coast defense instruction. (July 9, 1918, c. 143, 40 Stat. 874.)

From the Army appropriation act for the year 1919, cited above It supersedes similar provisions of Act May 12, 1917, c. 12, 40 Stat. 66.

§ 3072b. Same; attendance at school or attachment to organization of Regular Army—To provide for the attendance of selected officers or enlisted men of the National Guard who pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officers or enlisted men shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises, and such officers or enlisted men shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction: Provided, That in no case shall the pay and allowances authorized herein exceed those of a captain * *. (July 9, 1918, c. 143, 40 Stat. 874.)

From the Army appropriation act for the year 1919, cited above. It supersedes similar provisions of Act May 12, 1917, c. 12, 40 Stat. 67.

§ 3074a. [Stricken by amendment.]

This section, Act June 3, 1916, c 134, § 36, 39 Stat 180, was amended by Act June 4, 1920, c 227, subchapter I, § 31, 41 Stat 775, by striking out the same

§ 3074b. Militia Bureau of the War Department—The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department (June 3, 1916, c. 134, § 81, 39 Stat. 203, amended, June 4, 1920, c 227, subchapter I, § 44, 41 Stat. 782, Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034, and Feb 28, 1925, c 371, § 3, 43 Stat 1076)

This section was amended by Act June 4, 1920, c 227, subchapter I, § 44, cited above, by striking out the original section and inserting in lieu thereof the following "Militia Bureau of the War Department The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department After January 1, 1921, the Chief of the Militia Bureau shall be appointed by the President by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who hold commissions in the Officers' Reserve Corps, and who have had ten or more years' commissioned service in the National Guard, at least five of which have been in the line, and who have attained at least the grade of major He shall hold office for four years, unless sooner removed for cause, and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. While serving as chief his reserve commission shall continue in force and shall not be terminated except for cause assigned Until the chief is appointed, as provided in this section, the President may assign an officer of the Regular Army not below the grade of colonel, to perform the duties of chief For duty in the Militia Bureau and for the instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular army as he may deem necessary The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding five hundred officers of the National Guard, who hold reserve commissions, to duty with the Regular Army in addition to those attending service schools, and while so assigned they shall receive the same pay and allowances as Regular Army officers of like grades, to be paid out of the whole fund appropriated for the support of the militia."

It was again amended by Act Sept 22, 1922, c 423, § 4, cited above, by inserting in the section as set forth above, after the sixth sentence, the following "He may also assign for duty in the Militia Bureau three officers who hold or have held commissions in the National Guard and who at the time of assignment are reserve officers, and any such officer while so assigned shall receive out of the whole fund appropriated for the support of the National Guard the pay and allowances provided in the Pay Readjustment Act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay," and by changing the last sentence, as set forth above, to read as follows: "The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose not exceeding five hundred officers of the National Guard who hold reserve commissions, to duty with the Regular Army in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence, to be paid out of the whole fund appropriated for the support of the Militia."

It was again amended by Act Feb 28, 1925, c 371, § 3, also cited above, to read as set forth above, and as set forth post, §§ 3074c-3074h.

§ 3074c. Same; Chief of Bureau; appointment; qualifications; term of office; rank, pay, and allowances; retirement—The Chief of the Militia Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of active Federally recognized National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade of major. The Chief of the Militia Bureau shall hold office for four years unless sooner removed for cause, shall be eligible to succeed himself and when he is sixty-four years of age he shall cease to hold such office. Upon accepting his office the Chief of the Militia Bureau shall also be appointed a major general in the Officers' Reserve Corps and shall be commissioned in the Army of the United States, which appointment and

commission shall terminate when he ceases to hold such office The Chief of the Militia Bureau shall have the rank, pay, and allowances of a major general provided in section 8 of the Pay Readjustment Act of June 10, 1922, during his tenure of office, but shall not be entitled to retirement or retired pay. (June 3, 1916, c. 134, § 81, 39 Stat 203, amended, June 4, 1920, c. 227, subchapter I, § 44, 41 Stat 782, Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034, and Feb. 28, 1925, c. 371, § 3, 43 Stat. 1076.)

See note to § 3074b ante

§ 3074d. Same; Chief of Militia Bureau; vacancy in office or disability of incumbent—In case the office of Chief of the Militia Bureau becomes vacant or the incumbent, because of disability, is unable to discharge the powers and duties of the office, the reserve officer, senior in rank on duty in the Militia Bureau, appointed from the National Guard, shall act as chief of said bureau until the incumbent is able to resume his duties, or the vacancy in the office is regularly filled (June 3, 1916, c 134, § 81, 39 Stat 203, amended, Feb. 28, 1925, c. 371, § 3, 43 Stat 1077.)

See note to § 3074b ante.

§ 3074e. Same; Chief of Bureau; age limitations not applicable to existing chief—The age limitations herein prescribed shall not apply to the existing Chief of the Militia Bureau during his present term of office (June 3, 1916, c. 134, § 81, 39 Stat. 203, amended, Feb. 28, 1925, c. 371, § 3, 43 Stat. 1077)

See note to § 3074b ante.

§ 3074f. Assignment of officers and enlisted men of Regular Army for duty in Militia Bureau and for instruction of National Guard—For duty in the Militia Bureau and for instruction of the National Guard, the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the Militia Bureau three officers who, at the time of their initial assignment, are active Federally recognized National Guard officers and who are reserve officers, and any such officer while so assigned shall receive the pay and allowances provided in the Pay Readjustment Act of June 10, 1922, as amended, for officers of the National Guard when authorized by law to receive Federal pay. (June 3, 1916, c 134, § 81, 39 Stat. 203, amended, June 4, 1920, c. 227, subchapter I, § 44, 41 Stat. 782, Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034, and Feb 28, 1925, c. 371, § 3, 43 Stat. 1077.)

See note to § 3074b ante.

§ 3074g. Assignment of officers of National Guard for duty with Regular Army—The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding five hundred officers of the active Federally recognized National Guard, and who are reserve officers, to duty with the Regular Army, in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence. (June 3, 1916, c. 134, § 81, 39 Stat. 203, amended, June 4, 1920, c. 227, subchapter I, § 44, 41 Stat. 782, Sept. 22, 1922, c. 423, § 4, 42 Stat. 1034, and Feb. 28, 1925, c. 871, § 3, 43 Stat. 1077.)

See note to § 3074b ante.

§ 3074h. Pay and allowances of Chief of Bureau and reserve officers of National Guard assigned to duty, how payable—The pay and allowances provided in this section for the Chief of the Militia Bureau and for the reserve officers assigned to duty from the National Guard shall be paid out of the whole fund appropriated for the support of the National Guard (June 3, 1916, c 134, § 81, 39 Stat. 203, amended, Feb 28, 1925, c. 371, § 3, 43 Stat 1077)

See note to § 3074b ante.

Chapter B—Naval Militia and National Naval Volunteers

§§ 3078a, 3078b. [Repealed]

All laws including these sections (Act Feb 16, 1914, c. 21, §§ 1-12, 14-21, 38 Stat 283-289, Act Aug 29, 1916, c 417, 39 Stat 593-600, Act March 4, 1917, c 180, 39 Stat. 1172, and Act Oct 6, 1917, c 93, 40 Stat 394), relating to the Naval Militia and the National Naval Volunteers were repealed, by a provision of the Naval appropriation act for the fiscal year 1919, Act July 1, 1918, c 114, 40 Stat. 708, which reads as follows "That upon the approval of this Act all laws heretofore enacted by the Congress relating to the Naval Militia and the National Naval Volunteers be, and the same hereby are, repealed; and the President is authorized to transfer as a class all members of the National Naval Volunteers to the class 'the Naval Reserve,' 'the Naval Reserve Flying Corps,' or 'the Marine Corps Reserve' of the Naval Reserve Force or the Marine Corps Reserve, for general service, in the confirmed rank, grade, or rating they now hold in the National Naval Volunteers, regardless of their being members of a State military force, and without examination and the necessity of executing or filing a new oath and acceptance of office, that until such transfer is effected members of the National Naval Volunteers shall retain their present status and be entitled to receive the same pay, allowances, gratuities, and other benefits as heretofore provided by law, and shall continue subject to the laws prescribed for the government of the Navy"

Subsequent to the enactment of the repealing section above quoted the following acts and parts of acts relating to the Naval Militia and National Naval Volunteers have been enacted A provision of Act July 1, 1918, c. 114, 40 Stat 712, a provision of Act July 11, 1919, c 9, 41 Stat. 141, two provisions of Act June 4, 1920, c. 228, § 1, 41 Stat. 817, 818, two provisions of Act July 1, 1922, c 259, 42 Stat 793; two provisions of Act Jan 22, 1923, c. 28, 42 Stat 1137, two provisions of Act May 28, 1924, c. 203, 43 Stat. 188. Those provisions are all repealed by Act Feb 28, 1925, c. 374, § 3, which repeals all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 23, 1917, c 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, except the provisions of Act June 10, 1922, c. 212, 42 Stat. 625, relating to such organizations. (See §§ 2000½—1 to 2000½—40, and notes thereunder); or are superseded by Act Feb 28, 1925, c. 374, § 28, post, § 3078c

The Navy Department and naval service appropriation act for the year 1926, Act Feb 11, 1925, c. 209, 43 Stat 867, contains the following provision· "That until June 30, 1926, of the Organized Militia as provided by law, such part as may be duly prescribed in any State, Territory, or for the District of Columbia shall constitute a Naval Militia, and until June 30, 1926, such of the Naval Militia as now is in existence, and as now organized and prescribed by the Secretary of the Navy under authority of the Act of Congress approved February 16, 1914, shall be a part of the Naval Reserve Force, and the Secretary of the Navy is authorized to maintain and provide for said Naval Militia as provided in said Act. * * *" Said act also contains the following provision:

"That upon their enrollment in the Naval Reserve Force, and not otherwise until June 30, 1926, the members of said Naval Militia shall have all the benefits, gratuities, privileges, and emoluments provided by law for other members of the Naval Reserve Force; and that, with the approval of the Secretary of the Navy, duty performed in the Naval Militia may be counted as active service for the maintenance of efficiency required by law for members of the Naval Reserve Force. * * *"

§ 3078c. Naval Militia; composition of; appointment or enlistment of officers and enlisted men of in Fleet Naval Reserve; members of Naval Militia of states, etc., who are members of Naval Reserve relieved from duty in Naval Militia when on active duty in time of war or national emergency; vessels, etc., of regular Navy for use of units of Naval Militia—Of the Organized Militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia shall constitute a Naval Militia. Any officer or enlisted man of such Naval Militia may, in the

discretion of the Secretary of the Navy, be appointed or enlisted in the Fleet Naval Reserve in the grade, rank, or rating not above the rank of lieutenant for which he may be found qualified in accordance with such special regulations as may be prescribed by the Secretary of the Navy: Provided, That each officer and enlisted man of the Naval Militia appointed or enlisted in the Fleet Naval Reserve shall be required within one year after the date of his appointment or enlistment in the Fleet Naval Reserve to qualify for the rank or rating he may hold in accordance with the general regulations governing the Fleet Naval Reserve: Provided further, That officers and men of the Naval Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency: Provided further, That such vessels, material, armament, equipment, and other facilities of the regular Navy as are or may be made available for the Fleet Naval Reserve shall also be available, in the discretion of the Secretary of the Navy, for issue or loan to the several States, Territories, or the District of Columbia, for the administration and training of units of the Naval Militia, but no such facilities of the regular Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least 95 per centum of its personnel has been appointed or enlisted in the Fleet Naval Reserve and unless its organization, administration, and training conform to the standard prescribed by the Secretary of the Navy for such units. (Feb 28, 1925, c. 374, § 28, 43 Stat. 1088)

This section is section 28 of an act entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve," cited above. See ante, §§ 2900½—1 to 2900½—40, and notes thereunder. See, also, notes to §§ 3073a, 3078b, ante.

§ 3078e. Clerical force of Division of Naval Militia Affairs transferred.—The clerical force and office expenses provided for the Division of Naval Militia Affairs shall be transferred to the Bureau of Navigation. (July 1, 1918, c. 114, 40 Stat. 712.)

From the Naval appropriation act for the year 1919, cited above.

TITLE XVI A—SOLDIERS' AND SAILORS' CIVIL RELIEF

This Title consisted of Act March 8, 1918, c. 20, 40 Stat. 440, entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war." By § 603 of said act it was provided that "This Act shall remain in force until the termination of the war, and for six months thereafter. Provided, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided, the due exercise or enjoyment of which may extend beyond the period herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of the proceeding, remedy, privilege, stay, limitation, accounting, or transaction aforesaid." This act, and its amendments and supplements, ceased therefore to be in force 6 months after March 3, 1921, which was the date on which Res. March 3, 1921, c. 136, 41 Stat. 1359, became effective. See post, § $3115^{14}/_{15}$f.

Act Sept. 3, 1919, c. 55, 41 Stat. 282, entitled "An act relating to affidavits required by the act entitled 'An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war,'" cited above, which read as follows: "That where any judgment has been entered since March 8, 1918, in any action or proceeding commenced in any court where there was a failure to file in such action the affidavits required by section 200 of article 2 of the Act approved March 8, 1918, entitled 'An Act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war' (Fortieth Statutes at Large, page 440), the plaintiff, after such notice as the court may prescribe, may file an affidavit stating that the defendant, or defendants, in default in such judgments, are not at the time of such filing, and were not at the time of the entry of such judgment, in the naval or military service of the United States, and upon the filing of such affidavit the court may enter an order that such judgment, if otherwise legal, shall stand and be effective as of the date of the entry of such judgment as if such affidavit had been duly filed. Any person who shall make or use such an affidavit as aforesaid, knowing it to be false, shall be punishable by imprisonment not to exceed two years or by fine not to exceed $5,000, or both, in the discretion of the court"—also became inoperative by reason of said Res. March 3, 1921, c. 136.

Act March 4, 1923, c. 284, 42 Stat. 1510, entitled "An act to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the Soldiers' and Sailors' Civil Relief Act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States," reads as follows:

"Any person entitled to claim any right, title to, or interest in any real estate because of any failure to comply with the provisions of subdivision 3 of section 302 of the Soldiers' and Sailors' Civil Relief Act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in the foreclosure of a mortgage, or the sale upon a judgment, of such real estate shall be barred forever from asserting such claim unless the claim is successfully asserted in an action or proceeding, in a court of competent jurisdiction, commenced prior to the approval of this Act or within one year thereafter."

TITLE XVI B—VOCATIONAL REHABILITATION OF SOLDIERS AND SAILORS

This Title, consisting of Act June 27, 1918, c. 107, 40 Stat. 617 as amended by Act July 11, 1919, c. 12, 41 Stat. 158, is repealed by Act June 7, 1924, c. 320, § 601. Said repealing section reads as follows:

"The following Acts are hereby repealed. The sections of this codification herein applicable thereto shall be in force in lieu thereof, subject to the limitations contained in this title:

"(1) The War Risk Insurance Act as amended.

"(2) The Vocational Rehabilitation Act as amended.

"(3) The Act entitled 'An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act.'"

Said repeal, as above noted, is a part of the consolidation, codification, revision, and reenactment of the laws affecting the United States Veterans' Bureau, the War Risk Insurance, and the Vocational Rehabilitation. See post, §§ 9127½—1 to 9127½—605.

Other acts and parts of acts relating to the vocational rehabilitation of soldiers and sailors, which are not expressly repealed by said 601 of Act June 7, 1924, c. 320, are as follows. Act Feb. 26, 1919, c. 46, 40 Stat. 1179, two provisions of Act March 6, 1920, c. 94, § 1, 41 Stat. 504, 507, a provision of Act June 5, 1920, c. 240, 41 Stat. 966; a provision of Act June 5, 1920, c. 253, § 1, 41 Stat. 1021, a provision of Act March 4, 1921, c. 161, § 1, 41 Stat. 1379; two provisions of Act June 16, 1921, c. 23, § 1, 42 Stat. 34; two provisions of Act June 30, 1921, c. 33, § 1, 42 Stat. 85. These provisions are either impliedly repealed or superseded by said Act June 7, 1924, c. 320, post §§ 9127½—1 to 9127½—605.

§§ 3078½a-3078½k. [Repealed and superseded.] See note at the beginning of this Title.

TITLE XVII—ARMS, ARMORIES, ARSENALS, ORDNANCE AND FORTIFICATIONS, AND NITRATE PLANTS

Chapter A—Arms, Armories, Arsenals and Nitrate Plants

§ 3084b. Pay of civilian employés in gun factories on leave of absence.—The Secretary of War is hereby authorized and empowered, during the pe-

riod of the war, to make payment, under such regulations as may be prescribed by him, in addition to and at the rate of pay now provided by law to each and all civilians employed by the War Department in gun factories and arsenals for work performed on all days of leave of absence granted by law to such employees. (July 9, 1918, c. 143, 40 Stat. 870)

From the Army appropriation act for the year 1919, cited above.

§ 3085a. Accounts of cost of type and experimental manufacture of guns, etc.—Full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns, and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Government a statement of which account shall be laid before Congress annually in the same manner as is now required from National Armories under section sixteen hundred and sixty-five of the Revised Statutes (Aug 18, 1890, c. 797, § 2, 26 Stat. 320.)

From the fortifications and ordnance appropriations act of Aug. 18, 1890, cited above

§ 3091a. Board for testing rifled cannon abolished—So much of the Fortification Appropriation Act approved July 5, 1884, as pertains to the appointment of a board for the purpose of testing rifled cannon is hereby rescinded. (March 3, 1921, c. 128, § 7, 41 Stat 1352.)

From the fortifications appropriation act for the year 1922, cited above. For the provision of Act July 5, 1884, c 235, § 2, 23 Stat 159, referred to above, see U. S. Comp. St 1918, § 3091

§ 3092a. Transfer of Naval ordnance to the War Department—Such naval ordnance and ordnance material as the Secretary of War and the Secretary of the Navy may determine necessary is authorized to be transferred from the Navy Department to the War Department: Provided, That if such ordnance and ordnance material is obsolete for naval purposes the transfer shall be made without reimbursement and payment to the Navy for other ordnance and ordnance material transferred hereunder shall be made only after estimates shall have been submitted to Congress and a specific appropriation for such payment shall have been made. (July 8, 1918, c. 137, § 1, 40 Stat. 817.)

From the fortifications appropriation act, cited above.

§ 3093b. Loan of rifles to organizations of honorably discharged soldiers, sailors, or marines—The Secretary of War is hereby authorized, under rules, limitations, and regulations to be prescribed by him, to loan obsolete or condemned Army rifles, slings, and cartridge belts to posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines, for use by them in connection with the funeral ceremonies of deceased soldiers, sailors, and marines, and for other post ceremonial purposes; and to sell such post and camps blank ammunition in suitable amounts for said rifles at cost price, plus cost of packing and transportation Provided, however, That not to exceed ten such rifles shall be issued to any one post or camp. (Feb 10, 1920, c. 64, 41 Stat. 403, amended, June 5, 1920, c. 240, 41 Stat. 976.)

This section was amended by Act June 5, 1920, c. 240, cited above, to read as set forth above. Prior to this amendment the section applied only to American Legion Posts

§ 3107a. Proceeds of sale of useless ordnance material—The net proceeds of sales of useless ordnance material by the Navy Department shall be covered into the Treasury as "Miscellaneous receipts." (Jan. 22, 1923, c. 28, 42 Stat. 1142.)

From the Navy Department and Naval Service appropriation act for the year 1924, cited above.

TITLE XVII A—NATIONAL DEFENSE

COUNCIL OF NATIONAL DEFENSE

§ 3115eee. Limitation on salaries payable to officers or employees of council—No salary shall be paid to any officer or employee of the council in excess of $6,000 per annum. (June 5, 1920, c. 235, § 1, 41 Stat 886)

From the sundry civil appropriation act for the year 1921, cited above

ADVISORY COMMITTEE FOR AERONAUTICS

§ 3115ii. Office space—The Secretary of War is authorized and directed to furnish office space to the National Advisory Committee for Aeronautics in governmental buildings occupied by the Signal Corps. (July 1, 1918, c. 113, § 1, 40 Stat 650.)

From the sundry civil appropriation act for the year 1919, cited above

AIRCRAFT BOARD AND AIRCRAFT PATENTS

§§ 3115 1/32a-3115 1/32f.

The Army appropriation act for the year 1919, Act July 9, 1918, c 143, subchapter XVI, §§ 1-5, 40 Stat 888, 889, reads as follows

"1 The Director of Aircraft Production may, whenever in his judgment it will facilitate and expedite the production of aircraft, aircraft equipment, or materials therefor, for the United States and Governments allied with it in the prosecution of the present war, form under the laws of the District of Columbia or under the laws of any State one or more corporations for the purchase, production, manufacture, and sale of aircraft, aircraft equipment, or materials therefor, and to build, own, and operate railroads in connection therewith. The total capital stock of the corporation or corporations so formed, together with any bonds, notes, debentures, or other securities issued by them, shall not at any one time exceed $100,000,000

"2 The Director of Aircraft Production may, for and on behalf of the United States, subscribe, purchase, and vote not less than a majority of the voting capital stock of any such corporation, and may purchase for and on behalf of the United States all or any part of the preferred non-voting stock, bonds, notes, debentures, or other securities issued by such corporations, and do all things necessary to protect the interest of the United States and to carry out the purpose of this chapter, and, with the approval of the Secretary of War, may sell any or all of the stock, bonds, notes, debentures, or other securities of the United States in such corporation: Provided, That at no time shall the United States be a minority holder of voting stock therein Any sums heretofore or hereafter appropriated for the purchase or procurement of aircraft, aircraft equipment, or materials therefor, for the Army shall be available for the purchase of the capital stock of such corporation or corporations or their bonds, notes, debentures, or other securities.

"3. Within one year from the signing of a treaty of peace with the Imperial German Government the Director of Aircraft Production shall, on behalf of the United States as a stockholder, institute such proceedings as are necessary to dissolve such corporation or corporations under the laws of the District of Columbia or the State or States under which such corporation or corporations are organized Upon the dissolution of the corporation or corporations the same shall be liquidated and the assets distributed in accordance with the laws of the District of Columbia or the State or States under which such corporation or corporations are organized.

"4. The Secretary of War is hereby authorized to assign for duty, under the direction of the Director of Aircraft Production, any enlisted men or commissioned officers, from time to time, in the military organization as he shall deem necessary or desirable to carry on the work of such corporation or corporations .Provided, That nothing in this chapter shall prevent such corporation or corporations from employing civilians in the manner customary in the conduct of ordinary business under corporate organization.

"5. The Secretary of War, acting through the Director of Aircraft Production, is authorized to transfer, by appropriate instruments, to any such corporation as may be found under this chapter, any interest of the United States in any existing contracts for aircraft, aircraft equipment, or materials therefor, and the title to any lands, plants, railroads, or equipment used in or in connection with the production of aircraft, aircraft equipment, or materials therefor, on such terms as the Secretary of War, acting through the Director of Aircraft Production, shall deem fit."

SHIPS AND WAR MATERIAL

§§ 3115 1/16a-3115 1/16c.

The Naval appropriation act for the fiscal year 1919, Act July 1, 1918, c 114, 40 Stat 719, 720, contains the following provisions.

"(a) The word 'person' as used in paragraph (b), (c), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof The words 'war material' shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States "

"(b) The President is hereby authorized and empowered, within the limits of the amounts appropriated therefor

"First To place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships of war materials so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient

"Second Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material, and if any contractor shall refuse or fail to comply with the contract as so modified, the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

"Fourth To requisition and take over for use or operation by the Government any factory, or any part thereof, without taking possession of the entire factory, whether the United States has or has not any contract with the owner or occupier of such factory

"That all authority granted to the President herein or by him delegated shall cease six months after a final treaty of peace shall be proclaimed between this Government and the German Empire.

"(d) Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said seventy-five per centum shall make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code."

These provisions probably superseded similar provisions in Act March 4, 1917, c 180, 39 Stat 1193. See U. S. Comp. St. 1918, §§ 3115½a-3115½c. These provisions are now obsolete and inoperative.

The sundry civil appropriation act for the fiscal year 1920, Act July 19, 1919, c. 24, § 1, 41 Stat. 131, contained the following provision accompanying appropriations for the emergency shipping fund

"No contracts for ship construction to be entered into shall provide that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, or plus a fixed fee for profit."

§ 3115 1/16d. [Repealed.]

This section, Act June 15, 1917, c. 29, § 1, 40 Stat. 182, as amended by Act April 22, 1918, c. 62, §§ 1, 2, 40 Stat. 535, and by Act Nov. 4, 1918, c. 201, § 1, 40 Stat. 1022, was repealed, subject to certain limitations, by Act June 5, 1920, c. 250, § 2, post, § 8146¼a

§ 3115 1/16dd. [Repealed]

This section (Act April 22, 1918, c 62, § 3, 40 Stat 535), was repealed, subject to certain limitations, by Act June 5, 1920, c 250, § 2, post, § 8146¼a

§§ 3115 1/16ddd, 3115 1/16e. [Repealed]

These sections, provisions of Act Nov 4, 1918, c. 201, § 1, 40 Stat 1022, and Act July 1, 1918, c 113, § 1, 40 Stat. 651, respectively, were repealed, subject to certain limitations, by Act June 5, 1920, c. 250, § 2, post, § 8146¼a

§ 3115 1/16ee. Disposition of material or plants—Any material or plant, as defined under the emergency shipping fund provision of the Deficiency Appropriation Act approved June 15, 1917, acquired by the United States Shipping Board Emergency Fleet Corporation, may be disposed of as the President may direct. (July 19, 1919, c 24, § 1, 41 Stat. 181.)

From the sundry civil appropriation act for the year 1920, cited above.

CHARTERS, FREIGHT RATES, AND REGULATION OF LOADING, DISCHARGE, MOVEMENT, ETC., OF VESSELS

§§ 3115 1/16f-3115 1/16kk. [Repealed]

These sections, Act July 18, 1918, c 157, §§ 1-17, 40 Stat. 913-916, were repealed, subject to certain limitations, by Act June 5, 1920, c. 250, § 2, post, § 8146¼a.

CONSERVATION OF SUPPLY AND CONTROL OF DISTRIBUTION OF NECESSARIES

§§ 3115⅛hh, 3115⅛i. [Repealed]

These sections (Act Aug 10, 1917, c 53, § 8, 40 Stat 279, and Act Aug 10, 1917, c 53, § 9, 40 Stat. 279, respectively), were repealed by Act Oct 22, 1919, c. 80, § 3, 41 Stat 298, saving prosecutions for offenses committed prior to this repeal

§ 3115⅛r.

Act Oct 1, 1918, c 178, 40 Stat. 1007, contained the following provision

"Any moneys heretofore or hereafter received by the United States for or in connection with the disposition of nitrate of soda pursuant to section twenty-seven of the Act entitled 'An Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August tenth, nineteen hundred and seventeen (Public, Numbered Forty-one, Sixty-fifth Congress), are hereby appropriated and made immediately available as a revolving fund to be used at the discretion of the President for further carrying out the purposes of said section and extending its operation throughout the period of the existing war as ascertained and proclaimed in accordance with section twenty-four of said Act. Provided, That nothing herein shall be construed as prohibiting the sale or disposal of any nitrates remaining on hand at the time of, or contracted for previous to, such termination."

MANUFACTURE, ETC., OF EXPLOSIVES

§ 3115¼aaa. Platinum, iridium, and palladium included—Platinum, iridium, and palladium and compounds thereof are hereby made subject to the terms, conditions, and limitations of said Act of October sixth, nineteen hundred and seventeen, and the Director of the Bureau of Mines is hereby authorized, under rules and regulations approved by the Secretary of the Interior, to limit the sale, possession, and the use of said material. (July 1, 1918, c. 113, § 1, 40 Stat 671.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1919, cited above

§ 3115¼fff. Licenses; cancellation—Any license issued under the Act of October sixth, nineteen hundred and seventeen, may be canceled by the Director of the Bureau of Mines if the person to whom such license was issued shall, after notice and an opportunity to be heard, be found to have violated any of the provisions of the Act. (July 1, 1918, c. 113, § 1, 40 Stat. 671.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1919, cited above.

HELIUM GAS

§ 3115¼l. Acquisition of lands; exploration for and production of helium-bearing gas; reservation of helium gas-bearing lands on public domain—For the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of the Interior is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, where necessary, when helium can not be purchased from private parties at less cost, to explore for, procure, or conserve helium-bearing gas; to drill or otherwise test such lands, and to construct plants, pipe lines, facilities, and accessories for the production, storage, and repurification of helium. Provided, That any known helium gas-bearing lands on the public domain not covered at the time by leases or permits under the Act of February 25, 1920, entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," may be reserved for the purposes of this Act, and that the United States reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development. (March 3, 1925, c. 426, § 1, 43 Stat 1110.)

This section, and the four sections next following, are an act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes," cited above.

§ 3115¼m. Maintenance, operation, etc., of helium production and repurification plants by Bureau of Mines—The Bureau of Mines, acting under the direction of the Secretary of the Interior, is authorized to maintain and operate helium production and repurification plants, together with facilities and accessories thereto, to store and care for helium; to conduct exploration for and production of helium on and from the lands acquired or set aside under this Act; to conduct experimentation and research for the purpose of discovering helium supplies and improving processes and methods of helium production, repurification, storage, and utilization. (March 3, 1925, c. 426, § 2, 43 Stat. 1111.)

See note to § 3115¼l, ante

§ 3115¼n. Existing plants transferred to Bureau of Mines; distribution and disposition of helium by Bureau—On or before June 30, 1925, all existing Government plants operated by the Government or under lease or contract with it, for the production of helium shall be transferred to the jurisdiction of the Bureau of Mines: Provided, That thereafter the Army and Navy and other branches of the Federal service requiring helium may requisition it from the said bureau and make payment therefor by transfer of funds on the books of the Treasury from any applicable appropriation at actual cost of said helium to the United States, including all expenses connected therewith: Provided further, That any surplus helium produced may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President: And provided further, That all moneys received from the sale or leasing of helium shall be credited to a helium production account and shall be and remain available for the purposes of this section; and that any gas belonging to the United States after the extraction of helium, or other by-product not needed for Government use shall be sold and the proceeds of such sales shall be deposited in the Treasury to the credit of miscellaneous receipts. (March 3, 1925, c. 426, § 3, 43 Stat. 1111.)

See note to § 3115¼l, ante.

§ 3115¼o. Exportation of helium gas; penalty—Hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of the Interior and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior That any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment of not more than one year, or by both such fine and imprisonment, and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section. (March 3, 1925, c. 426, § 4, 43 Stat. 1111)

See note to § 3115¼l, ante.

§ 3115¼p. Army and Navy officers to cooperate with Secretary of Interior—The Army and Navy may each designate an officer to cooperate with the Department of the Interior in carrying out the purposes of this Act, and shall have complete right of access to plants, data, and accounts. (March 3, 1925, c. 426, § 5, 43 Stat. 1111)

See note to § 3115¼l, ante.

TRADING WITH THE ENEMY

§ 3115½c. (a) Suspension of provisions of act relating to ally of enemy—The President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act, and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

(b) Regulation of transactions in foreign exchange of gold or silver—(b) The President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy, or otherwise, or between residents of one or more foreign countries, by any person within the United States; and, for the purpose of strength-

ening, sustaining and broadening the market for bonds and certificates of indebtedness of the United States, of preventing frauds upon the holders thereof, and of protecting such holders, he may investigate and regulate, by means of licenses or otherwise (until the expiration of two years after the date of the termination of the present war with the Imperial German Government, as fixed by his proclamation), any transactions in such bonds or certificates by or between any person or persons Provided, That nothing contained in this subdivision (b) shall be construed to confer any power to prohibit the purchase or sale for cash, or for notes eligible for discount at any Federal Reserve Bank, of bonds or certificates of indebtedness of the United States; and he may require any person engaged in any transaction referred to in this subdivision to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. (Oct 6, 1917, c 106, § 5, 40 Stat. 415, amended, Sept. 24, 1918, c. 176, § 5, 40 Stat. 966)

This section was amended by Act Sept 24, 1918, c. 176, § 5, cited above, by changing subdivision b to read as set forth above. As originally enacted said subdivision read as follows. "The President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed."

§ 3115½d. (a) Lists of enemy or ally of enemy officers, directors or stock holders of corporations in United States—Every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act, and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

The President may also require a similar list, to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, association, company, or trustee has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another· Provided, however, That the name of any such officer, director or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy.

Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts so owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen: Provided, That the name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days.

(b) Acts constituting trade with enemy prior to passage of act—Nothing in this Act contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf or for the benefit of an enemy performed or engaged in since the beginning of the war and prior to the passage of this Act, or any such act or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof, made after the passage of this Act, and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act, the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof. Provided, That nothing in this Act contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest

of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out, completion, or performance otherwise than by release from obligation thereunder

Nothing in this Act shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States, not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof Provided, That such payment shall not be made without the license of the President, general or special, as provided in this Act.

Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof Provided, however, That an enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect And provided further, That an enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him

Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation In any prosecution under section sixteen hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof.

(c) Requiring property conveyed to alien property custodian—If the President shall so require any money or other property including (but not thereby limiting the generality of the above) patents, copyrights, applications therefor, and rights to apply for the same, trade marks, choses in action, and rights and claims of every character and description owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or the same may be seized by the Alien Property Custodian; and all property thus acquired shall be held, administered and disposed of as elsewhere provided in this Act.

Any requirement made pursuant to this Act, or a duly certified copy thereof, may be filed, registered, or recorded in any office for the filing, registering, or recording of conveyances, transfers, or assignments of any such property or rights as may be covered by such requirement (including the proper office for filing, registering, or recording conveyances, transfers, or assignments of patents, copyrights, trade-marks, or any rights therein or any other rights); and if so filed, registered, or recorded shall impart the same notice and have the same force and effect as a duly executed conveyance, transfer, or assignment to the Alien Property Custodian so filed, registered, or recorded.

Whenever any such property shall consist of shares of stock or other beneficial interest in any corporation, association, or company or trust, it shall be the duty of the corporation, association, or company or trustee or trustees issuing such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel upon its, his, or their books all shares of stock or other beneficial interest standing upon its, his, or their books in the name of any person or persons, or held for, on account of, or on behalf of, or for the benefit of any person or persons who shall have been determined by the President, after investigation, to be an enemy or ally of enemy, and which shall have been required to be conveyed, transferred, assigned, or delivered to the Alien Property Custodian or seized by him, and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the Alien Property Custodian or otherwise, as the Alien Property Custodian shall require

The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act, and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States.

This subdivision of this section was amended by Act Nov. 4, 1918, c 201, § 1, to read as set forth above Prior to this amendment said subdivision read as follows: "If the President shall so require, any money or other property owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian."

(d) Voluntary payment of property to alien property custodian by holder—If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe.

(e) Acts under order, rule, or regulation of President—No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act.

Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the

alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States (Oct 6, 1917, c. 106, § 7, 40 Stat. 416, amended, Nov. 4, 1918, c. 201, § 1, 40 Stat. 1020)

§ 3115½e. Claims to property transferred to alien property custodian; notice of claim; filing; return of property; suits in equity to recover—(a) Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine said claimant is entitled. Provided, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may institute a suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or at the time when it was voluntarily delivered to him or was seized by him was—

(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city, or

(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917, or

(3) A woman who at the time of her marriage was a citizen of the United States, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property, concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or who was a daughter of a resident citizen of the United States and herself a resident or former resident thereof, or the minor daughter or daughters of such woman, she being deceased; or

(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or other property concerned was within the territory of the United States by reason of the service of such officer in such capacity, or

(5) A citizen or subject of Germany or Austria-Hungary, who by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes, and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States; or

(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder; or

(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof, or

(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or

other property concerned was the diplomatic or consular property of such Government, or

(9) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or who is not a citizen or subject of any nation, State, or free city, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000 is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000: Provided, That an individual shall not be entitled, under this paragraph, to the return of any money or other property owned by a partnership, association, unincorporated body of individuals, or corporation at the time it was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him hereunder; or

(10) A partnership, association, other unincorporated body of individuals, or corporation, and that it is not otherwise entitled to the return of its money or other property, or any part thereof, under this section, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of $10,000, or although exceeding in value the sum of $10,000, is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of $10,000. Provided, That no insurance partnership, association, or corporation, against which any claim or claims may be filed by any citizen of the United States with the Alien Property Custodian within sixty days after the time this paragraph takes effect, whether such claim appears to be barred by the statute of limitations or not, shall be entitled to avail itself of the provisions of this paragraph until such claim or claims are satisfied; or

(11) A partnership, association, or other unincorporated body of individuals, having its principal place of business within any country other than Germany, Austria, Hungary, or Austria-Hungary, or a corporation, organized or incorporated within any country other than Germany, Austria, Hungary, or Austria-Hungary, and that the control of, or more than 50 per centum of the interests or voting power in, any such partnership, association, other unincorporated body of individuals, or corporation, was at such time, and is at the time of the return of any money or other property, vested in citizens or subjects of nations, States, or free cities other than Germany, Austria, Hungary, or Austria-Hungary: Provided, however, That this subsection shall not affect any rights which any citizen or subject may have under paragraph (1) of this subsection;—

Then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said owner or to the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian: Provided, That no person shall be deemed or held to be a citizen or subject of Germany or Austria or Hungary or Austria-Hungary for the purposes of this section, even though he was such citizen or subject at the time first specified in this subsection, if he has become or shall become, ipso facto or through exercise of option, a citizen or subject of any nation or State or free city other than Germany, Austria, or Hungary, (first) under the terms of such treaties of peace as have been or may be concluded subsequent to November 11, 1918, between Germany or Austria or Hungary (of the one part) and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part), or (second) under the terms of such treaties as have been or may be concluded in pursuance of the treaties of peace aforesaid between any nation, State, or free city (of the one part) whose territories, in whole or in part, on August 4, 1914, formed a portion of the territory of Germany or Austria-Hungary and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part). For the purposes of this section any citizen or subject of a State or free city which at the time of the proposed return of money or other property of such citizen or subject hereunder forms a part of the territory of any one of the following nations, Germany, Austria, or Hungary, shall be deemed to be a citizen or subject of such nation. And the receipt of the said owner or of the person by whom said money or other property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to all claims of all persons heretofore or hereafter claiming any right, title, or interest in said money or other property, or compensation or damages arising from the capture of such money or other property by the President or the Alien Property Custodian: Provided further, however, That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein.

(c) Any person whose money or other property the President is authorized to return under the provisions of subsection (b) hereof may file notice of claim for the return of such money or other property, as provided in subsection (a) hereof, and thereafter may make application to the President for allowance of such claim and/or may institute suit in equity to recover such money or other property, as provided in said subsection, and with like effect. The President or the court, as the case may be, may make the same determinations with respect to citizenship and other relevant facts that the President is authorized to make under the provisions of subsection (b) hereof.

(d) Whenever a person, deceased, would have been entitled, if living, to the return of his money or other property hereunder, then his legal representative may proceed for the return of such money or other property as provided in subsection (a) hereof: Provided, however, That the President or the court, as the case may be, before granting such relief shall impose such conditions by way of security or otherwise, as the President or the court, respectively, shall deem sufficient to insure that such legal representative will redeliver to the Alien Property Custodian such portion of the money or other property so received by him as shall be distributable to any person not eligible as a claimant under subsections (a) or (c) hereof.

(e) No money or other property shall be returned nor any debt allowed under this section to any person who is a citizen or subject of any nation which was associated with the United States in the prosecution of the war, unless such nation in like case extends reciprocal rights to citizens of the United States; nor in any event shall a debt be allowed under this section unless it was owing to and owned by the claimant prior to October 6, 1917, and as to claimants other than citizens of the United States unless it arose with reference to the money or other property held by the Alien Property Custodian or Treasurer of the United States hereunder.

(f) Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or

paid to the Alien Property Custodian, shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court

(g) The legal representative (duly appointed by a court in the United States) of a person, deceased, whose money or other property has been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, may (if not entitled to proceed under subsection (d) of this section) proceed under subsection (a) for the recovery of any interest, right, or title in any such money or other property which has, by reason of the death of such person, become the interest, right, or title of a citizen of the United States, unless such citizenship was acquired through naturalization proceedings in which the declaration of intention was filed after November 11, 1918 Such legal representative shall give a bond, in a penal sum and with sureties satisfactory to the President or the court, as the case may be, conditioned that he will redeliver to the Alien Property Custodian all such money or other property not distributed to such citizen, or, if deceased, to his heirs or legal representatives

(h) The aggregate value of the money or other property returned under paragraphs (9) and (10) of subsection (b) to any one person, irrespective of the number of trusts involved, shall in no case exceed $10,000

(i) For the purposes of paragraphs (9) and (10) of subsection (b) of this section accumulated net income, dividends, interest, annuities, and other earnings, shall be considered as part of the principal.

(j) Subsection (g) and paragraphs (9) and (10) of subsection (b) of this section shall not apply to any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, or to the proceeds received from the sale, license, or other disposition of any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, but the Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which (1) has not been sold, licensed, or otherwise disposed of under the provisions of this Act, and (2) is not involved (at the time this subsection takes effect) in litigation in which the United States, or any agency thereof, is a party.

(k) This section shall not apply, however, to money paid to the Alien Property Custodian under section 10 hereof. (Oct. 6, 1917, c. 106, § 9, 40 Stat. 419, amended, July 11, 1919, c. 6, § 1, 41 Stat. 35, June 5, 1920, c. 241, 41 Stat. 977, Feb. 27, 1921, c. 76, 41 Stat. 1147, Dec. 21, 1921, c. 13, 42 Stat. 351, Dec. 27, 1922, c. 13, 42 Stat. 1065, and March 4, 1923, c. 285, § 1, 42 Stat. 1511.)

As amended by Act July 11, 1919, c. 6, § 1, 41 Stat 35, this section read as follows:

"Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require, and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: Provided, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of six months after the end of the war institute a suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the Alien Property Custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated Provided, however, That in respect of all property heretofore determined by the President to have been held for, by, on account of, or on behalf of, or for the benefit of a person who was an enemy or ally of enemy, if the President, after further investigation, shall determine that such person was an enemy or ally of enemy solely by reason of residence in that portion of the territory of any nation associated with the United States in the prosecution of the war which was occupied by the military or naval forces of Germany or Austria-Hungary, or their allies, and that such person is a citizen or subject of such associated nation, then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian, or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said enemy or to the person by whom said property was conveyed, transferred, assigned, delivered or paid over to the Alien Property Custodian. And the receipt of the said enemy or of the person by whom said property was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States as the case may be, and of the United States in respect of all claims of all persons heretofore or hereafter claiming any right, title, or interest in said property, or compensation or damages arising from the capture of such property by the President or the Alien Property Custodian Provided further, however, That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein

"Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court

"This section shall not apply, however, to money paid to the Alien Property Custodian under section 10 hereof."

As amended by Act June 5, 1920, c. 241, 41 Stat. 977, this section read as follows:

"(a) Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require, and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: Provided, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of six months after the end of the war institute a

suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated

"(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or at the time when it was voluntarily delivered to him or was seized by him was—

"(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city, or

"(2) A woman who at the time of her marriage was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman either directly or indirectly from any subject or citizen of Germany or Austria-Hungary, or

"(3) A woman who at the time of her marriage was a citizen of the United States (said citizenship having been acquired by birth in the United States), and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman either directly or indirectly from any subject or citizen of Germany or Austria-Hungary, or

"(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was, at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or other property concerned was within the territory of the United States by reason of the service of such officer in such capacity, or

"(5) A citizen or subject of Germany or Austria-Hungary, who by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes, and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States, or

"(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder; or

"(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof, or

"(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or other property concerned was the diplomatic or consular property of such Government—then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said owner or to the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian: Provided, That no person shall be deemed or held to be a citizen or subject of Germany or Austria or Hungary or Austria-Hungary for the purposes of this section, even though he was such citizen or subject at the time first specified in this subsection, if he has become or shall become, ipso facto or through exercise of option, a citizen or subject of any nation or State or free city other than Germany, Austria, or Hungary, (first) under the terms of such treaties of peace as have been or may be concluded subsequent to November 11, 1918, between Germany or Austria or Hungary (of the one part) and the United States and/or three or more of the following-named powers The British Empire, France, Italy, and Japan (of the other part), or (second) under the terms of such treaties as have been or may be concluded in pursuance of the treaties of peace aforesaid between any nation, State, or free city (of the one part) whose territories, in whole or in part, on August 4, 1914, formed a portion of the territory of Germany or Austria-Hungary and the United States and/or three or more of the following-named powers The British Empire, France, Italy, and Japan (of the other part) For the purposes of this section any citizen or subject of a State or free city which at the time of the proposed return of money or other property of such citizen or subject hereunder forms a part of the territory of any one of the following nations Germany, Austria, or Hungary, shall be deemed to be a citizen or subject of such nation And the receipt of the said owner or of the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to all claims of all persons heretofore or hereafter claiming any right, title, or interest in said property, or compensation or damages arising from the capture of such property by the President or the Alien Property Custodian: Provided further, however, That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein

"(c) Any person whose property the President is authorized to return under the provisions of subsection (b) hereof may file notice of claim for the return of such property, as provided in subsection (a) hereof, and thereafter may make application to the President for allowance of such claim and/or may institute suit in equity to recover such property, as provided in said subsection, and with like effect The President or the court, as the case may be, may make the same determinations with respect to citizenship and other relevant facts that the President is authorized to make under the provisions of subsection (b) hereof.

"(d) Whenever a person, deceased, would have been entitled, if living, to the return of his money or other property hereunder, then his legal representative may proceed for the return of such property as provided in subsection (a) hereof: Provided, however, That the President or the court, as the case may be, before granting such relief shall impose such conditions by way of security or otherwise, as the President or the court, respectively, shall deem sufficient to insure that such legal representative will redeliver to the Alien Property Custodian such portion of the money or other property so received by him as shall be distributable to any person not eligible as a claimant under subsections (a) or (c) hereof.

"(e) No money or other property shall be returned nor any debt allowed under this section to any person who is a citizen or subject of any nation which was associated with the United States in the prosecution of the war, unless such nation in like case extends reciprocal rights to citizens of the United States, nor in any event shall a debt be allowed under this section unless it was owing to and owned by the claimant prior to October 6, 1917, and as to claimants other than citizens of the United States unless it arose with reference to the money or other property held by the Alien Property Custodian or Treasurer of the United States hereunder.

"(f) Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court

"(g) This section shall not apply, however, to money paid to the Alien Property Custodian under section 10 hereof."

As amended by Act Feb. 27, 1921, c. 76, 41 Stat. 1147, paragraphs (2) and (3) of subsection (b) of this section read as follows:

"(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917.

"(3) A woman who, at the time of her marriage was a citizen of the United States and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917."

As amended by Act Dec. 21, 1921, c. 13, 42 Stat. 351, and Act Dec. 27, 1922, c. 13, 42 Stat. 1065, cited above, this section read as follows:

"(a) Any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized

by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require, and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine said claimant is entitled Provided, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of thirty months after the end of the war institute a suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated

"(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or at the time when it was voluntarily delivered to him or was seized by him was—

"(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city, or

"(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917.

"(3) A woman who, at the time of her marriage, was a citizen of the United States and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917.

"(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was, at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or other property concerned was within the territory of the United States by reason of the service of such officer in such capacity; or

"(5) A citizen or subject of Germany or Austria-Hungary, who by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes, and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States; or

"(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder, or

"(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof, or

"(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or other property concerned was the diplomatic or consular property of such Government—then the President, without any application being made therefor, may order the payment, conveyance, transfer, assignment, or delivery of such money or other property held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine such person entitled, either to the said owner or to the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian Provided, That no person shall be deemed or held to be a citizen or subject of Germany or Austria or Hungary or Austria-Hungary for the purposes of this section, even though he was such citizen or subject at the time first specified in this subsection, if he has become or shall become, ipso facto or through exercise of option, a citizen or subject of any nation or State or free city other than Germany, Austria, or Hungary, (first) under the terms of such treaties of peace as have been or may be concluded subsequent to November 11, 1918, between Germany or Austria or Hungary (of the one part) and the United States and/or three or more of the following-named powers The British Empire, France, Italy, and Japan (of the other part), or (second) under the terms of such treaties as have been or may be concluded in pursuance of the treaties of peace aforesaid between any nation, State, or free city (of the one part) whose territories, in whole or in part, on August 4, 1914, formed a portion of the territory of Germany or Austria-Hungary and the United States and/or three or more of the following-named powers: The British Empire, France, Italy, and Japan (of the other part) For the purposes of this section any citizen or subject of a State or free city which at the time of the proposed return of money or other property of such citizen or subject hereunder forms a part of the territory of any one of the following nations Germany, Austria, or Hungary, shall be deemed to be a citizen or subject of such nation And the receipt of the said owner or of the person by whom said property was conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian shall be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to all claims of all persons heretofore or hereafter claiming any right, title, or interest in said property, or compensation or damages arising from the capture of such property by the President or the Alien Property Custodian. Provided further, however, That except as herein provided no such action by the President shall bar any person from the prosecution of any suit at law or in equity to establish any right, title, or interest which he may have therein

"(c) Any person whose property the President is authorized to return under the provisions of subsection (b) hereof may file notice of claim for the return of such property, as provided in subsection (a) hereof, and thereafter may make application to the President for allowance of such claim and/or may institute suit in equity to recover such property, as provided in said subsection, and with like effect The President or the court, as the case may be, may make the same determinations with respect to citizenship and other relevant facts that the President is authorized to make under the provisions of subsection (b) hereof.

"(d) Whenever a person, deceased, would have been entitled, if living, to the return of his money or other property hereunder, then his legal representative may proceed for the return of such property as provided in subsection (a) hereof: Provided, however, That the President or the court, as the case may be, before granting such relief shall impose such conditions by way of security or otherwise, as the President or the court, respectively, shall deem sufficient to insure that such legal representative will redeliver to the Alien Property Custodian such portion of the money or other property so received by him as shall be distributable to any person not eligible as a claimant under subsections (a) or (c) hereof.

"(e) No money or other property shall be returned nor any debt allowed under this section to any person who is a citizen or subject of any nation which was associated with the United States in the prosecution of the war, unless such nation in like case extends reciprocal rights to citizens of the United States, nor in any event shall a debt be allowed under this section unless it was owing to and owned by the claimant prior to October 6, 1917, and as to claimants other than citizens of the United States unless it arose with reference to the money or other property held by the Alien Property Custodian or Treasurer of the United States hereunder.

"(f) Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

"(g) This section shall not apply, however, to money paid to the Alien Property Custodian under section 10 hereof."
This section was again amended by Act March 4, 1923, c. 281, § 1, cited above, to read as set forth above

§ 3115½fff. Taxes on property held by alien property custodian—All taxes heretofore or hereafter lawfully assessed by any body politic against money or other property held by the alien property custodian shall be paid out of such money or other property, and if that be insufficient, shall be charged thereto and paid out of any other moneys or properties required from the same enemy or ally of enemy. (July 1, 1918, c. 113, § 1, 40 Stat. 646)

From the sundry civil appropriation act for the year 1919, cited above

§ 3115½k. Fees of agents, attorneys, or representatives—No money or other property shall be paid, conveyed, transferred, assigned, or delivered under this Act to any agent, attorney, or representative of any person entitled thereto, unless satisfactory evidence is furnished the President or the court, as the case may be, that the fee of such agent, attorney, or representative for services in connection therewith does not exceed 3 per centum of the value of such money or other property; but nothing in this section shall be construed as fixing such fees at 3 per centum of the value of such money or other property, such 3 per centum being fixed only as the maximum fee that may be allowed or accepted for such services. Any person accepting any fee in excess of such 3 per centum shall, upon conviction thereof, be punished as provided in section 16 hereof (Oct. 6, 1917, c. 106, § 20, added, March 4, 1923, c 285, § 2, 42 Stat. 1515.)

Added to the Trading with the Enemy Act by Act March 4, 1923, c. 285, § 2, 42 Stat. 1515, cited above, as § 20 of said act.

§ 3115½l. Claims of naturalized citizens as affected by expatriation—The claim of any naturalized American citizen under the provisions of this Act shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, if he shall give satisfactory evidence to the President, or the court, as the case may be, of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although desiring to return, has been prevented from so returning by circumstances beyond his control. (Oct. 6, 1917, c. 106, § 21, added, March 4, 1923, c. 285, § 2, 42 Stat 1516.)

Added to the Trading with the Enemy Act by Act March 4, 1923, c 285, § 2, 42 Stat. 1516, cited above, as § 21 of said act.

§ 3115½m. Fugitives from justice barred from making claims—No person shall be entitled to the return of any property or money under the provisions of this Act who is a fugitive from justice from the United States or any State or Territory thereof or the District of Columbia (Oct. 6, 1917, c. 106, § 22, added, March 4, 1923, c. 285, § 2, 42 Stat. 1516.)

Added to the Trading with the Enemy Act by Act March 4, 1923, c. 285, § 2, 42 Stat. 1516, cited above, as § 22 of said act.

§ 3115½n. Payment of income, etc., by Alien Property Custodian—The Alien Property Custodian is directed to pay to the person entitled thereto, from and after the time this section takes effect, the net income, dividend, interest, annuity, or other earnings, accruing and collected thereafter, on any property or money held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe; but no person shall be paid, under this section, any amount in excess of $10,000 per annum. (Oct 6, 1917, c. 106, § 23, added, March 4, 1923, c 285, § 2, 42 Stat 1516)

Added to the Trading with the Enemy Act by Act March 4, 1923, c. 285, § 2, 42 Stat 1516, cited above, as § 23 of said act

§ 3115½o. Payment of taxes and expenses by Alien Property Custodian—The Alien Property Custodian is authorized to pay all taxes (including special assessments), heretofore or hereafter lawfully assessed by any body politic against any money or other property held by him or by the Treasurer of the United States under this Act, and to pay the necessary expenses incurred by him or by any depositary for him in securing the possession, collection, or control of any such money or other property, or in protecting or administering the same. Such taxes and expenses shall be paid out of the money or other property against which such taxes are assessed or in respect of which such expenses are incurred, or (if such money or other property is insufficient) out of any other money or property held for the same person, notwithstanding the fact that a claim may have been filed or suit instituted under this Act (Oct 6, 1917, c 106, § 24, added, March 4, 1923, c. 285, § 2, 42 Stat. 1516)

Added to the Trading with the Enemy Act by Act March 4, 1923, c. 285, § 2, 42 Stat. 1516, cited above, as § 24 of said act

FEDERAL CONTROLLED TRANSPORTATION SYSTEMS

§ 3115¼f. Revolving fund; additions; betterments—The sum of $500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed by any carrier by reason of any such additions, betterments, or road extensions so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section three hereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the utilization and operation of canals, or for the purchase, construction, or utilization and operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, and may in the operation and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

No provision of this Act shall be construed to prevent the routing of freight by a shipper or consignee over any inland canal or coastwise waterway, or a part way over such waterway and a part way by rail. In case the shipper or consignee shall so route the freight, no provision of this Act shall be construed as giving power to change the routing (March 21, 1918, c. 25, § 6, 40 Stat. 455, amended, March 2, 1919, c. 95, § 7, 40 Stat. 1290)

This section was amended by Act March 2, 1919, c. 95, § 7, cited above, to read as set forth above This amendment consisted in the addition of the last sentence to the section as set forth above

§ 3115¾f(1). Reimbursement of United States for advances for equipment; sale of equipment—In order to make provision for the reimbursement of the United States for the sums advanced to provide motive power, cars, and other equipment ordered by the President for the railroads and systems of transportation now under Federal control, herein called "carriers," pursuant to the authority conferred by the second paragraph of section 6 of the Act of March 21, 1918, the President may, upon such terms as he shall deem advisable receive in reimbursement cash, or obligations of any carrier, or part cash and part such obligations, or in his discretion he may accept for such motive power, cars, or other equipment, cash or the shares of stock or obligations, secured or unsecured, of any corporation not a carrier organized for the purpose of owning equipment or equipment obligations, or part cash and part such shares of stock and obligations, and he may transfer to such corporation any obligations of carriers received on account of motive power, cars, or other equipment, and he may execute any instruments necessary and proper to carry out the intent of the second paragraph of section 6 of said Act of March 21, 1918, to the end that title to the motive power, cars, and other equipment so ordered by the President as aforesaid for the carriers may rest in them or their trustees or nominees.

In addition to the powers herein and heretofore conferred, the President is further authorized to dispose, in the manner and for the consideration aforesaid, of motive power, cars, and other equipment, if any, provided by him in accordance with any other provisions of said section, and of any obligations of carriers that may be received in reimbursement of the cost thereof. (Nov. 19, 1919, c. 116, § 1, 41 Stat. 359)

This section, and the four sections next following, are an act entitled "An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes," cited above.

§ 3115¾f(2). Same; sale of equipment; provisions of contracts—Any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said Act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding fifteen years, shall be fully paid and the conditions of purchase fully performed. Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within sixty days after the delivery thereof, and shall be valid and enforceable as against all persons whomsoever. (Nov. 19, 1919, c. 116, § 2, 41 Stat. 359.)

See ante, § 3115¾f(1), and note thereunder.

§ 3115¾f(3). Same; other powers of President not limited—Nothing herein contained shall be deemed to abrogate or limit the powers conferred upon the President by said Act of March 21, 1918. (Nov. 19, 1919, c. 116, § 3, 41 Stat. 359)

See ante, § 3115¾f(1), and note thereunder.

§ 3115¾f(4). Same; execution of powers conferred—The President may execute any of the powers herein granted through such agencies as he may determine. (Nov. 19, 1919, c. 116, § 4, 41 Stat. 359.)

See ante, § 3115¾f(1), and note thereunder

§ 3115¾f(5). Same; emergency legislation—This Act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said Act of March 21, 1918. (Nov. 19, 1919, c. 116, § 5, 41 Stat 359)

See ante, § 3115¾f(1), and note thereunder.

WAR FINANCE CORPORATION AND CAPITAL ISSUES COMMITTEE

TITLE I—WAR FINANCE CORPORATION

§ 3115¾a. Persons composing—The Secretary of the Treasury, the Secretary of Agriculture, and four additional persons (who shall be the directors first appointed as hereinafter provided) are hereby created a body corporate and politic in deed and in law by the name, style, and title of the War Finance Corporation (herein called the Corporation), and shall have succession for a period of ten years: Provided, That except as otherwise provided by this Act the Corporation shall not exercise any of the powers conferred by this Act except such as are incidental to the liquidation of its assets and the winding up of its affairs, after July 1, 1922 (April 5, 1918, c. 45, § 1, 40 Stat 506, amended, Aug. 24, 1921, c. 80, § 2, 42 Stat 181)

For this section prior to its amendment by Act Aug 24, 1921, c 80, § 2, cited above, see U. S Comp. St 1918, § 3115¾a.

§ 3115¾dd. Advances to banks, bankers, or trust companies—The Corporation shall be empowered and authorized to make advances, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding five years from the respective dates of such advances.

(1) To any bank, banker, or trust company, in the United States, which shall have made after April sixth, nineteen hundred and seventeen, and which shall have outstanding, any loan or loans to any person, firm, corporation, or association, conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war, and evidenced by a note or notes, but no such advance shall exceed seventy-five per centum of the face value of such loan or loans; and

(2) To any bank, banker, or trust company, in the United States, which shall have rendered financial assistance, directly or indirectly, to any such person, firm, corporation, or association by the purchase after April sixth, nineteen hundred and seventeen, of its bonds or other obligations, but no such advance shall exceed seventy-five per centum of the value of such bonds or other obligations at the time of such advance, as estimated and determined by the board of directors of the Corporation.

All advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations, which are the basis of any such advance by the corporation, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations.

The Corporation shall, however, have power to make advances (a) up to one hundred per centum of the face value of any such loan made by any such bank, banker, or trust company to any such person, firm, corporation, or association, and (b) up to one hundred per centum of the value at the time of any

such advance (as estimated and determined by the board of directors of the Corporation) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: Provided, That every such advance shall be secured in the manner described in the preceding part of this section and (except in the case of an advance secured by a loan for agricultural purposes or a loan based on live stock) in addition thereto by collateral security, to be furnished by the bank, banker, or trust company of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors of the Corporation) equal to at least thirty-three per centum of the amount advanced by the Corporation The Corporation shall retain power to require additional security at any time. (April 5, 1918, c. 45, § 7, 40 Stat. 508, amended, Nov. 21, 1918, c 212, § 5, 40 Stat 1049.)

This section was amended by Act Nov. 21, 1918, c. 212, § 5, 40 Stat 1049, cited above, by adding to the proviso thereto the words in parentheses "except in the case of an advance secured by a loan for agricultural purposes or a loan based on live stock," so as to make said proviso read as set forth above.

§ 3115½g. Bonds of Corporation; issue, etc.—The Corporation shall be empowered and authorized to issue and have outstanding at any one time its notes or bonds in an amount aggregating not more than three times its paid-in capital, such notes or bonds to mature not less than six months nor more than five years from the respective dates of issue, and may be redeemable before maturity at the option of the Corporation, as may be stipulated in such notes or bonds, and to bear such rate or rates of interest as may be determined by the board of directors, but such rate or rates of interest shall be subject to the approval of the Secretary of the Treasury Such notes or bonds shall have a first and paramount floating charge on all the assets of the Corporation, and the Corporation shall not at any time mortgage or pledge any of its assets Such notes or bonds may be issued at not less than par in payment of any advances authorized by this title, or may be offered for sale publicly or to any individual, firm, corporation, or association, at such price or prices at not less than par as the board of directors, with the approval of the Secretary of the Treasury, may determine.

Upon such terms not inconsistent herewith as may be determined from time to time by the board of directors, with the approval of the Secretary of the Treasury, at or before the issue thereof, any of such bonds may be issued payable in any foreign money or foreign moneys, or issued payable at the option of the respective holders thereof either in dollars or in any foreign money or foreign moneys at such fixed rate of exchange as may be stated in any such bonds. For the purpose of determining the amount of bonds issued payable in any foreign money or foreign moneys the dollar equivalent shall be determined by the par of exchange at the date of issue thereof, as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury in pursuance of the provisions of section twenty-five of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August twenty-seventh, eighteen hundred and ninety-four. (April 5, 1918, c. 45, § 12, 40 Stat 509, amended, Aug. 24, 1921, c. 80, § 5, 42 Stat. 183.)

This section was amended by Act Aug. 24, 1921, c. 80, § 5, cited above, by changing the first paragraph thereof to read as set forth above. For this section prior to this amendment see U. S. Comp. St. 1918, § 3115½g. See, also, post, § 3115½g(1).

§ 3115½g(1). Same; time limit on issue and maturity—The power of the corporation to issue notes or bonds may be exercised at any time prior to January 31, 1927, but no such bonds or notes shall mature later than June 30, 1927. (Aug 24, 1921, c. 80, § 5, 42 Stat 184, amended, June 10, 1922, c. 215, § 2, 42 Stat 634, and March 4, 1923, c. 252, title V, § 502, 42 Stat 1481.)

This section was amended by Act June 10, 1922, c 215, § 2, 42 Stat 634, cited above, by changing the figures "1925" to "1926" The original section was a part of § 5 of Act Aug 24, 1921, c. 80, the remainder of which amended § 12 of Act April 5, 1918, c 45. It undoubtedly was intended as a part of said amendment, but it was not included in the quotation marks Said original section read as follows "The power of the corporation to issue notes or bonds may be exercised at any time prior to January 1, 1925, but no notes or bonds shall mature later than July 1, 1925" This section was again amended by Act March 4, 1923, c. 252, title V, § 502, cited above, to read as set forth above.

§ 3115½gg. Same; discount by Reserve Banks of obligations of member banks secured by—The Federal Reserve Banks shall be authorized, subject to the maturity limitations of the Federal Reserve Act and to regulations of the Federal Reserve Board, to discount the direct obligations of member banks secured by such notes or bonds of the Corporation and to rediscount notes or other negotiable instruments secured by such notes or bonds and indorsed by a member bank. Discounts or rediscounts under this section shall be at an interest rate equal to the prevailing rate for eligible commercial paper of corresponding maturities

Any Federal reserve bank may, with the approval of the Federal Reserve Board, use any obligation or paper so acquired for any purpose for which it is authorized to use obligations or paper secured by bonds or notes of the United States not bearing the circulation privilege: Provided, however, That whenever Federal reserve notes are issued against the security of such obligations or paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law, not inconsistent herewith, in respect to the acquisition by any Federal reserve bank of obligations or paper secured by such bonds or notes of the United States, and in respect to Federal reserve notes issued against the security of such obligations or paper, shall extend, in so far as applicable, to the acquisition of obligations or paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such obligations or paper. (April 5, 1918, c 45, § 13, 40 Stat. 510, amended, Aug 24, 1921, c. 80, § 6, 42 Stat. 184.)

For this section prior to its amendment by Act Aug. 24, 1921, c. 80, § 6, cited above, see U. S. Comp. St. 1918, § 3115½gg

§ 3115½hh. Moneys of corporation; deposit with Treasurer of United States or Federal reserve banks; investment in United States bonds or obligations; liquidation of corporation—All moneys of the Corporation not otherwise employed may be kept on deposit, subject to check, with the Treasurer of the United States, or in any of the Federal reserve banks, or may, upon the direction of the board of directors of the Corporation, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of the United States issued or converted after September 24, 1917, or upon like direction and approval, may be used from time to time in the purchase or redemption of any bonds issued by the Corporation.

The Federal reserve banks are hereby authorized to act as depositories for and as fiscal agents of the

Corporation in the general performance of the powers conferred by this title.

Beginning January 1, 1925, the directors of the Corporation shall proceed to liquidate its assets and wind up its affairs, except as specifically provided in this title; but the directors of the Corporation, in their discretion, may, from time to time prior to such liquidation, sell and dispose of any securities or other property acquired by the Corporation

After January 1, 1925, the Corporation may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States, as a special deposit, out of money belonging to the Corporation, or from time to time received by it in the course of liquidation or otherwise, an amount equal to the aggregate amount of all outstanding bonds or notes of the Corporation, including principal and interest to maturity. Moneys so deposited shall constitute a special fund for the payment of principal and interest of such bonds or notes, or for the purchase or redemption of such bonds or notes at not more than par and accrued interest, and may be drawn upon or paid out for no other purpose

Whenever there shall have been deposited in such special fund an amount equal to the aggregate amount of all bonds or notes of the Corporation then outstanding, including principal and interest to maturity, the Corporation may, with the approval of the Secretary of the Treasury, pay into the Treasury of the United States, as miscellaneous receipts, any moneys belonging to the Corporation, or received from time to time in the course of liquidation or otherwise, in excess of a reasonable reserve to meet all liabilities and expenses during liquidation Whenever any such payment is made, an amount of capital stock of the Corporation equal in par value to the amount so paid in shall be canceled and retired

All net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title.

Any balance remaining after the payment of all the Corporation's debts, and after the retirement of all its capital stock as herein provided, shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved. (April 5, 1918, c. 45, § 15, 40 Stat. 510, amended, March 3, 1919, c 100, § 10, 40 Stat 1314, Aug. 21, 1921, c 80, § 7, 42 Stat 184, June 10, 1922, c. 215, § 3, 42 Stat. 634, March 4, 1923, c. 252, title V, § 503, 42 Stat. 1481, and Feb. 20, 1924, c. 37, §§ 2, 3, 43 Stat. 15.)

As amended by Act March 3, 1919, c. 100, § 10, 40 Stat 1314, this section read as follows

"All net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title. Such reserve fund shall, upon the direction of the board of directors, with the approval of the Secretary of the Treasury, be invested in bonds and obligations of the United States, issued or converted after September 24, 1917, or upon like direction and approval may be deposited in member banks of the Federal Reserve System, or in any of the Federal reserve banks, or be used from time to time, as well as any other funds of the Corporation, in the purchase or redemption of any bonds issued by the Corporation. The Federal reserve banks are hereby authorized to act as depositaries for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title Beginning twelve months after the termination of the war, the date of such termination to be fixed by a proclamation of the President of the United States, the directors of the Corporation shall proceed to liquidate its assets and to wind up its affairs, but the directors of the Corporation, in their discretion, may, from time to time, prior to such date, sell and dispose of any securities or other property acquired by the Corporation Any balance remaining after the payment of all its debts shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved"

As amended by Act Aug 24, 1921, c. 80, § 7, 42 Stat. 184, this section read as follows

"All moneys of the Corporation not otherwise employed may be kept on deposit, subject to check, with the Treasurer of the United States, or in any of the Federal reserve banks, or may, upon the direction of the board of directors of the Corporation, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of the United States issued or converted after September 24, 1917, or upon like direction and approval, may be used from time to time in the purchase or redemption of any bonds issued by the Corporation

"The Federal reserve banks are hereby authorized to act as depositories for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title

"Beginning July 1, 1922, the directors of the Corporation shall proceed to liquidate its assets and wind up its affairs, except as specifically provided in this title, but the directors of the Corporation, in their discretion, may, from time to time prior to such liquidation, sell and dispose of any securities or other property acquired by the Corporation

"After July 1, 1922, the Corporation may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States, as a special deposit, out of money belonging to the Corporation, or from time to time received by it in the course of liquidation or otherwise, an amount equal to the aggregate amount of all outstanding bonds or notes of the Corporation, including principal and interest to maturity. Moneys so deposited shall constitute a special fund for the payment of principal and interest of such bonds or notes, or for the purchase or redemption of such bonds or notes at not more than par and accrued interest, and may be drawn upon or paid out for no other purpose

"Whenever there shall have been deposited in such special fund an amount equal to the aggregate amount of all bonds or notes of the Corporation then outstanding, including principal and interest to maturity, the Corporation may with the approval of the Secretary of the Treasury, pay into the Treasury of the United States, as miscellaneous receipts, any moneys belonging to the Corporation, or received from time to time in the course of liquidation or otherwise, in excess of a reasonable reserve to meet all liabilities and expenses during liquidation Whenever any such payment is made, an amount of capital stock of the Corporation equal in par value to the amount so paid in shall be canceled and retired

"All net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title.

"Any balance remaining after the payment of all the Corporation's debts, and after the retirement of all its capital stock as herein provided, shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved."

As amended by Act June 10, 1922, c 215, § 3, 42 Stat 634, cited above, this section read as follows

"All moneys of the Corporation not otherwise employed may be kept on deposit, subject to check, with the Treasurer of the United States, or in any of the Federal reserve banks, or may, upon the direction of the board of directors of the Corporation, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of the United States issued or converted after September 24, 1917, or upon like direction and approval, may be used from time to time in the purchase or redemption of any bonds issued by the Corporation

"The Federal reserve banks are hereby authorized to act as depositories for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title.

"Beginning July 1, 1923, the directors of the Corporation shall proceed to liquidate its assets and wind up its affairs, except as specifically provided in this title; but the directors of the Corporation, in their discretion may from time to time prior to such liquidation, sell and dispose of any securities or other property acquired by the Corporation

"After July 1, 1923, the Corporation may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States, as a special deposit, out of money belonging to the Corporation, or from time to time received by it in the course of liquidation or otherwise, an amount equal to the aggregate amount of all outstanding bonds or notes of the Corporation, including principal and interest to maturity. Moneys so deposited shall constitute a special fund for the payment of principal and interest of such bonds or notes, or for the purchase or redemption of such bonds or notes at not more than par and accrued interest, and may be drawn upon or paid out for no other purpose

"Whenever there shall have been deposited in such special fund an amount equal to the aggregate amount of all bonds or notes of the Corporation then outstanding, including principal and interest to maturity, the Corporation may, with the approval of the Secretary of the Treasury, pay into the Treasury of the United States, as miscellaneous receipts, any moneys belonging to the Corporation, or received from time to time in the course of liquidation or otherwise, in excess of a reasonable reserve to meet all liabilities and expenses during liquidation. Whenever any such payment is made, an amount of capital stock of the

Corporation equal in par value to the amount so paid in shall be canceled and retired.

"All net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title.

"Any balance remaining after the payment of all the Corporation's debts, and after the retirement of all its capital stock as herein provided, shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved."

This section was again amended by Act March 4, 1923, c. 252, title V, § 503, cited above, to read as follows:

"All moneys of the Corporation not otherwise employed may be kept on deposit, subject to check, with the Treasurer of the United States, or in any of the Federal reserve banks, or may, upon the direction of the board of directors of the Corporation, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of the United States issued or converted after September 24, 1917, or upon like direction and approval, may be used from time to time in the purchase or redemption of any bonds issued by the Corporation.

"The Federal reserve banks are hereby authorized to act as depositories for and as fiscal agents of the Corporation in the general performance of the powers conferred by this title.

"Beginning April 1, 1924, the directors of the Corporation shall proceed to liquidate its assets and wind up its affairs, except as specifically provided in this title, but the directors of the Corporation, in their discretion, may, from time to time prior to such liquidation, sell and dispose of any securities or other property acquired by the Corporation.

"After April 1, 1924, the Corporation may, with the approval of the Secretary of the Treasury, deposit with the Treasurer of the United States, as a special deposit, out of money belonging to the Corporation, or from time to time received by it in the course of liquidation or otherwise, an amount equal to the aggregate amount of all outstanding bonds or notes of the Corporation, including principal and interest to maturity. Moneys so deposited shall constitute a special fund for the payment of principal and interest of such bonds or notes, or for the purchase or redemption of such bonds or notes at not more than par and accrued interest, and may be drawn upon or paid out for no other purpose.

"Whenever there shall have been deposited in such special fund an amount equal to the aggregate amount of all bonds or notes of the Corporation then outstanding, including principal and interest to maturity, the Corporation may, with the approval of the Secretary of the Treasury, pay into the Treasury of the United States, as miscellaneous receipts, any moneys belonging to the Corporation, or received from time to time in the course of liquidation or otherwise, in excess of a reasonable reserve to meet all liabilities and expenses during liquidation. Whenever any such payment is made, an amount of capital stock of the Corporation equal in par value to the amount so paid in shall be canceled and retired.

"All net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this title.

"Any balance remaining after the payment of all the Corporation's debts, and after the retirement of all its capital stock as herein provided, shall be paid into the Treasury of the United States as miscellaneous receipts, and thereupon the Corporation shall be dissolved."

This section was again amended by Act Feb. 20, 1924, c. 37, §§ 2, 3, 43 Stat. 15, cited above, to read as set forth above.

§ 3115½hhh. Taking over of bonds from United States Railroad Administration—The War Finance Corporation, as rapidly as funds become available, shall take over from the United States Railroad Administration, at par value and accrued interest, such of the bonds of the United States of the various Liberty loan issues and the Victory loan issue as are held by the said administration at the time of the approval of this Act and which it does not desire to retain. (May 8, 1920, c. 172, 41 Stat. 589.)

This section is a provision of an act making appropriations to supply a deficiency in appropriations for Federal control of transportation systems, etc., cited above.

§ 3115½k(1). Advances to exporters or persons making advances to exporters; amount; time limit for making—The Corporation shall be empowered and authorized, in order to promote commerce with foreign nations through the extension of credits, to make advances upon such terms, not inconsistent with the provisions of this section, as it may prescribe, for periods not exceeding five years from the respective dates of such advances:

(1) To any person, firm, corporation, or association engaged in the business in the United States of exporting therefrom domestic products to foreign countries, if such person, firm, corporation, or association is, in the opinion of the board of directors of the Corporation, unable to obtain funds upon reasonable terms through banking channels. Any such advance shall be made only for the purpose of assisting in the exportation of such products, and shall be limited in amount to not more than the contract price therefor, including insurance and carrying or transportation charges to the foreign point of destination if and to the extent that such insurance and carrying or transportation charges are payable in the United States by such exporter to domestic insurers and carriers. The rate of interest charged on any such advance shall not be less than 1 per centum per annum in excess of the rate of discount for ninety-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located; and

(2) To any bank, banker, or trust company in the United States which after this section takes effect makes an advance to any such person, firm, corporation, or association for the purpose of assisting in the exportation of such products. Any such advance shall not exceed the amount remaining unpaid of the advances made by such bank, banker, or trust company to such person, firm, corporation, or association for such purpose. (April 5, 1918, c. 45, § 21, added, March 3, 1919, c. 100, § 9, 40 Stat. 1313 and amended, Aug. 24, 1921, c. 80, § 4, 42 Stat. 183.)

This section was amended by Act Aug. 24, 1921, c. 80, § 4, cited above, by striking out therefrom paragraphs (b) and (c). This section prior to this amendment read as follows:

"(a) The Corporation shall be empowered and authorized, in order to promote commerce with foreign nations through the extension of credits, to make advances upon such terms, not inconsistent with the provisions of this section, as it may prescribe, for periods not exceeding five years from the respective dates of such advances:

"(1) To any person, firm, corporation, or association engaged in the business in the United States of exporting therefrom domestic products to foreign countries, if such person, firm, corporation, or association, is, in the opinion of the board of directors of the Corporation, unable to obtain funds upon reasonable terms through banking channels. Any such advance shall be made only for the purpose of assisting in the exportation of such products, and shall be limited in amount to not more than the contract price therefor, including insurance and carrying or transportation charges to the foreign point of destination if and to the extent that such insurance and carrying or transportation charges are payable in the United States by such exporter to domestic insurers and carriers. The rate of interest charged on any such advance shall not be less than 1 per centum per annum in excess of the rate of discount for ninety-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located; and

"(2) To any bank, banker, or trust company in the United States which after this section takes effect makes an advance to any such person, firm, corporation, or association for the purpose of assisting in the exportation of such products. Any such advance shall not exceed the amount remaining unpaid of the advances made by such bank, banker, or trust company to such person, firm, corporation, or association for such purpose.

"(b) The aggregate of the advances made by the Corporation under this section remaining unpaid shall never at any time exceed the sum of $1,000,000,000.

"(c) Notwithstanding the limitation of section 1 the advances provided for by this section may be made until the expiration of one year after the termination of the war between the United States and the German Government as fixed by proclamation of the President. Any such advance made by the Corporation shall be made upon the promissory note or notes of the borrower, with full and adequate security in each instance by indorsement, guaranty, or otherwise. The Corporation shall retain power to require additional security at any time. The Corporation in its discretion may upon like security extend the time of payment of any such advance through renewals, the substitution of new obligations, or otherwise, but the time for the payment of any such advance shall not be extended beyond five years from the date on which it was originally made."

§ 3115½k(2). Advances to producers or purchasers of agricultural products or to banks making advances thereon; time limit; interest;

security—Whenever the Board of Directors of the Corporation shall be of the opinion that conditions arising out of the war, or out of the disruption of foreign trade created by the war, have resulted in or may result in an abnormal surplus accumulation of any staple agricultural product of the United States or lack of a market for the sale of same or that the ordinary banking facilities are inadequate to enable producers of or dealers in such products to carry them until they can be exported or sold for export in an orderly manner, the Corporation shall thereupon be empowered to make advances, for periods not exceeding one year from the respective dates of such advances, upon such terms, not inconsistent with this Act, as it may determine;

(a) To any person engaged in the United States in dealing in, or marketing any such products, or to any association composed of persons engaged in producing such products, for the purpose of assisting such person or association to carry such products until they can be exported or sold for export in an orderly manner Any such advance shall bear interest at a rate not exceeding 1½ per centum in excess of the rate of discount for ninety-day commercial paper prevailing at the Federal Reserve Bank of the district in which the borrower is located at the time when such advance is made;

(b) To any person without the United States purchasing such products, but in no case shall any of the money so advanced be expended without the United States. Every such advance shall be secured by adequate security of such character as shall be prescribed by the Board of Directors of the Corporation The rate of interest charged on any such advance shall be determined by the Board of Directors The Corporation shall retain power to recall an advance or require additional security at any time

(c) To any bank, banker, or trust company in the United States which makes or has made an advance or advances to any such person as is described in paragraph (a) of this section for the purpose therein set forth or which makes or has made an advance or advances to any producer for the purpose set forth in paragraph (a) The aggregate of advances made to any bank, banker, or trust company shall not exceed the amount remaining unpaid of the advances made by such bank, banker, or trust company for purposes herein described. Such advances shall bear interest at the rates fixed by the Corporation (April 5, 1918, c. 45, § 22, added, Aug. 24, 1921, c 80, § 3, 42 Stat. 181.)

This section, and §§ 3115½k(3), 3115½k(4), 3115½k(5), 3115½k(6), 3115½k(7), 3115½k(8), post, were added to Act April 5, 1918, c 45, as §§ 23-28 thereof, by Act Aug 24, 1921, c. 80, § 3, cited above.

§ 3115½k(3). Limitation on time for making advances; notes or security for advances—Notwithstanding the limitation of section 1, the advances provided for by section 21 and section 22 of this Act may be made until July 1, 1922. The Corporation may from time to time extend the time of payment of any such advance or advances through renewals, substitution of new obligations, or otherwise but the time for the payment of any advance made under authority of section 21 and section 22 shall not be extended beyond three years from the date upon which such advance was originally made

All advances made under section 21 or under section 22 of this Act shall be made against promissory note or notes, or other instrument or instruments in writing imposing on the borrower a primary and unconditional obligation to repay the advance at maturity, with interest as stipulated therein, with full and adequate security in each instance by indorsement, guaranty, pledge, or otherwise. The Corporation shall retain the power to require additional security at any time. All notes or other instruments evidencing advances to persons outside the United States shall be in terms payable in the United States, in currency of the United States, and shall be secured by adequate guaranties or indorsements in the United States, or by warehouse receipts, acceptable collateral, or other instruments in writing conveying or securing marketable title to agricultural products in the United States (April 5, 1918, c 45, § 23, added, Aug 24, 1921, c. 80, § 3, 42 Stat 182)

See note to § 3115½k(2), ante

§ 3115½k(4). Advances to banks, etc., making advances for agricultural purposes; purchase of notes, etc., conveying title to agricultural products—Whenever in the opinion of the Board of Directors of the Corporation the public interest may require it, the Corporation shall be authorized and empowered to make advances upon such terms not inconsistent with this Act as it may determine to any bank, banker, or trust company in the United States, or to any cooperative association of producers in the United States which may have made advances for agricultural purposes, including the breeding, raising, fattening, and marketing of live stock, or may have discounted or rediscounted notes, drafts, bills of exchange or other negotiable instruments issued for such purposes Such advance or advances may be made upon promissory note or notes, or other instrument or instruments, in such form as to impose on the borrowing bank, banker, trust company, or cooperative association a primary and unconditional obligation to repay the advance at maturity with interest as stipulated therein, and shall be fully and adequately secured in each instance by indorsement, guaranty, pledge, or otherwise Such advances may be made for a period not exceeding one year and the Corporation may from time to time extend the time of payment of any such advance through renewals, substitution of new obligations or otherwise, but the time for the payment of any such advance shall not be extended beyond three years from the date upon which such advance was originally made. The aggregate of advances made to any bank, banker, trust company, or cooperative association shall not exceed the amount remaining unpaid of the advances made by such bank, banker, trust company, or cooperative association for purposes herein described.

The Corporation may, in exceptional cases, upon such terms not inconsistent with this Act as it may determine, purchase from domestic banks, bankers, or trust companies, notes, drafts, bills of exchange or other instruments of indebtedness secured by chattel mortgages, warehouse receipts, bills of lading, or other instruments in writing, conveying or securing marketable title to staple agricultural products, including live stock. The Corporation may from time to time, upon like security, extend the time of payment of any note, draft, bill of exchange, or other instrument acquired under this section, but the time for the payment of any such note, draft, bill of exchange, or other instrument shall not be extended beyond three years from the date upon which such note, draft, bill of exchange, or other instrument was acquired by the Corporation. The Corporation is further authorized, upon such terms as it may prescribe, to purchase, sell, or otherwise deal in acceptances, adequately secured, issued by banking corporations organized under section 25 (a) of the Federal Reserve Act: Provided, That no purchase of acceptances of the said banking corporations shall be made except for the purpose of assisting the said banking corporations in financing the exportation of agricultural and manufactured products from the United States to foreign countries. No such acceptances shall be purchased which have a maturity at the time of such purchase of more than three years.

Advances or purchases may be made under this section at any time prior to July 1, 1922. (April 5, 1918, c. 45, § 24, added, Aug. 24, 1921, c. 80, § 3, 42 Stat. 182)

See note to § 3115½k(2), ante

Act June 10, 1922, c 215, § 1, 42 Stat. 634, reads as follows.

"The time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange or other securities under the terms of sections 21, 22, 23, and 24 of the War Finance Corporation Act, as amended, is hereby extended up to and including May 31, 1923 Provided, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before May 31, 1923, such application may be acted upon and approved, and the advance may be made or the notes, drafts, bills of exchange, or other securities purchased at any time prior to June 30, 1923 "

Act March 4, 1923, c 252, title V, § 501, 42 Stat. 1480, reads as follows

"The time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange, or other securities under the terms of sections 21, 22, 23, and 24 of the War Finance Corporation Act, as amended, is further extended up to and including February 29, 1924 Provided, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before February 29, 1924, such application may be acted upon and approved, and the advance may be made or the notes, drafts, or other securities purchased, at any time prior to March 31, 1924."

Act Feb 20, 1924, c 37, § 1, 43 Stat 14, reads as follows.

"The time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange, or other securities under the terms of sections 21, 22, 23, and 24 of the War Finance Corporation Act, as amended, is hereby extended to and including November 30, 1924: Provided, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before November 30, 1924, such application may be acted upon and approved, and the advance may be made or the notes, drafts, bills of exchange, or other securities may be purchased at any time prior to December 31, 1924 "

Act Feb. 20, 1924, c. 37, § 4, 43 Stat. 15, reads as follows:

"The corporation may from time to time, through renewals, substitutions of new obligations, or otherwise, extend the time of payment of any advance made under authority conferred in section 24 of the War Finance Corporation Act, as amended, but the time for the payment of any such advance shall not be extended beyond January 1, 1926, if such advance was originally made on or before January 1, 1923, or beyond three years from the date upon which such advance was originally made, if such advance was originally made after January 1, 1923 "

§ 3115½k(5). Aggregate amount of advances, and notes, etc., unpaid—The aggregate amount of all advances made under sections 21, 22, and 24, and of all notes, drafts, bills of exchange, or other securities purchased under section 24 remaining unpaid, shall not at any one time exceed $1,000,000,000. (April 5, 1918, c. 45, § 25, added, Aug. 24, 1921, c. 80, § 3, 42 Stat. 183.)

See note to § 3115½k(2), ante.

§ 3115½k(6). Definitions—Whenever in this Act the words "bank, banker, or trust company" are used, they shall be deemed to include any reputable and responsible financing institution incorporated under the laws of any State or of the United States with resources adequate to the undertaking contemplated (April 5, 1918, c. 45, § 26, added, Aug. 24, 1921, c. 80, § 3, 42 Stat 183.)

See note to § 3115½k(2), ante.

§ 3115½k(7). Reports furnished to corporation by Comptroller of Currency to facilitate making of advances—In order to enable the Corporation to carry out the purposes of this Act, the Comptroller of the Currency is hereby authorized to furnish to the Corporation for its confidential use such reports, records, or other information as he may have available relating to financial condition of national banks to which the Corporation has made or contemplates making advances, and to make, through his examiners, for the confidential use of the Corporation, examinations of banks, bankers, or trust companies, other than national banks to which the Corporation has made or contemplates making advances Provided, That no such examination shall be made without the consent of such bank, banker, or trust company. (April 5, 1918, c. 45, § 27, added, Aug 24, 1921, c 80, § 3, 42 Stat. 183)

See note to § 3115½k(2), ante

§ 3115½k(8). Loans by persons receiving advances; interest rate—No person, bank, banker, or trust company receiving money under the provisions of this Act shall loan such money at a rate of interest greater than 2 per centum per annum in excess of the rate of interest charged or received by the Corporation upon such money. (April 5, 1918, c. 45, § 28, added, Aug. 24, 1921, c. 80, § 3, 42 Stat. 183)

See note to § 3115½k(2), ante.

TITLE III—MISCELLANEOUS

§ 3115½ppp. Person defined—When used in this Act the term "person" includes partnerships, corporations, and associations, as well as individuals. (Aug. 24, 1921, c 80, § 1, 42 Stat. 181.)

This section is section 1 of Act Aug 24, 1921, c 80, entitled "An act to amend the War Finance Corporation Act, approved April 5, 1918, as amended to provide relief for producers of and dealers in agricultural products, and for other purposes" cited above For the other sections of this act see ante, §§ 3115½a, 3115½g, 3115½g(1), 3115½gg, 3115½hh, 3115½k(1)-3115½k(4), 3115½k(5)-3115½k(8)

§ 3115½r. Activities of War Finance Corporation revived—The Secretary of the Treasury and the members of the War Finance Corporation are hereby directed to revive the activities of the War Finance Corporation, and that said corporation be at once rehabilitated with the view of assisting in the financing of the exportation of agricultural and other products to foreign markets. (Jan. 4, 1921, c. 9, 41 Stat. 1084.)

This is a resolution entitled a "Joint Resolution Directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes," cited above. Passed over the President's veto.

HOUSING FOR WAR-INDUSTRY EMPLOYÉS

§ 3115½a.

For current appropriation for the Housing Corporation, see Act March 3, 1925, c. 468, § 1, 43 Stat 1203.

§ 3115½e. Disposition of property on termination of act—The power and authority granted herein shall cease with the termination of the present war as formally proclaimed by the President, except the power and authority to care for, rent, operate, and sell such property as remains undisposed of; to conclude, execute, settle, and adjust all contracts or other obligations made or incurred during the war, or in carrying out the provisions of this Act, including contracts or other obligations made or incurred with municipalities or other political subdivisions for the furnishing of services and facilities to the property of such corporations, and for the construction of public utilities by such municipalities or other political subdivisions in pursuance to the terms of said contracts or other obligations; to collect the principal and interest of loans made or other sums due under obligations entered into under this Act; and to take such other steps as are necessary to protect the interests of the Government and to fulfill the obligations duly incurred in carrying out the powers granted by said Act. All property shall be sold at its fair market value as soon as can be advantageous-

ly done, and a reasonable effort shall be made to sell the houses direct to prospective individual home owners for their own occupancy before they are offered for sale in bulk or to speculative investors. Full power and authority is hereby given to sell and convey all of such property remaining undisposed of after the termination of the present war All deeds, contracts, or other instruments of conveyance executed by the United States Housing Corporation by its duly authorized officer or officers where the legal title to the property in question is in the name of the said corporation, and by the United States of America by the Secretary of Labor where the title to the property in question is in the name of the United States of America, shall be conclusive evidence of the transfer of title to the property in question according to the purport of such deeds, contracts, or other instruments of conveyance, and in no case shall any purchaser or grantee thereunder be required to see to the application of any purchase money: Provided, That no sale or conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money: Provided further, That in no case shall any such property be given away; nor shall rents be furnished free, but the rental charges shall be reasonable and just as between the tenants and the Government The United States Housing Corporation (a corporation organized by authority of the President of the United States, pursuant to the provisions of an Act approved May 16, 1918, entitled "An Act to authorize the President to provide housing for war needs," and an act approved June 4, 1918, entitled "An Act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes") shall wind up its affairs and dissolve as soon as it has disposed of said property and performed the duties and obligations herein set forth: And provided further, That the corporation shall report to Congress on December 31, 1919, and on June 30, 1920, all sales made and the amounts received therefrom, together with a detailed statement of receipts and expenditures on account of the other activities authorized by law, and said corporation shall report to Congress from time to time all settlements or adjustments made under the authority hereof. (May 16, 1918, c. 74, § 5, 40 Stat 552, amended, July 19, 1919, c. 24, § 1, 41 Stat. 224, and March 21, 1922, c. 112, 42 Stat. 468.)

This section was again amended by Act March 21, 1922, c. 212, 42 Stat. 468, cited above, by changing the words "to conclude and execute contracts or other obligations made or incurred during the war or in carrying out the provisions of this section" to read "to conclude, execute, settle, and adjust all contracts or other obligations made or incurred during the war, or in carrying out the provisions of this Act," and by adding immediately thereafter the words "including contracts or other obligations made or incurred with municipalities or other political subdivisions for the furnishing of services and facilities to the property of such corporations, and for the construction of public utilities by such municipalities or other political subdivisions in pursuance to the terms of said contracts or other obligations," and by adding at the end of the section the words "and said corporation shall report to Congress from time to time all settlements or adjustments made under the authority hereof."

As amended by Act July 19, 1919, c. 24, § 1, 41 Stat. 224, this section read as follows:

"The power and authority granted herein shall cease with the termination of the present war as formally proclaimed by the President, except the power and authority to care for, rent, operate, and sell such property as remains undisposed of; to conclude and execute contracts or other obligations made or incurred during the war or in carrying out the provisions of this section; to collect the principal and interest of loans made or other sums due under obligations entered into under this Act; and to take such other steps as are necessary to protect the interests of the Government and to fulfill the obligations duly incurred in carrying out the powers granted by said Act. All property shall be sold at its fair market value as soon as can be advantageously done, and a reasonable effort shall be made to sell the houses direct to prospective individual home owners for their own occupancy before they are offered for sale in bulk or to speculative investors Full power and authority is hereby given to sell and convey all such property remaining undisposed of after the termination of the present war All deeds, contracts, or other instruments of conveyance executed by the United States Housing Corporation by its duly authorized officer or officers where the legal title to the property in question is in the name of said corporation, and by the United States of America by the Secretary of Labor where the title to the property in question is in the name of the United States of America, shall be conclusive evidence of the transfer of title to the property in question according to the purport of such deeds, contracts, or other instruments of conveyance, and in no case shall any purchaser or grantee thereunder be required to see to the application of any purchase money Provided, however, That no sale or conveyance shall be made hereunder on credit without reserving a first lien on such property for the unpaid purchase money Provided further, That in no case shall any such property be given away, nor shall rents be furnished free, but the rental charges shall be reasonable and just as between the tenants and the Government The United States Housing Corporation (a corporation organized by authority of the President of the United States, pursuant to the provisions of an Act approved May 16, 1918, entitled 'An Act to authorize the President to provide housing for war needs,' and an Act approved June 4, 1918, entitled 'An Act making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, on account of war expenses, and for other purposes') shall wind up its affairs and dissolve as soon as it has disposed of said property and performed the duties and obligations herein set forth Provided, That the corporation shall report to Congress on December 31, 1919, and on June 30, 1920, all sales made and the amounts received therefrom together with a detailed statement of receipts and expenditures on account of the other activities authorized by law"

§ 3115⅝j. Off-set of equitable claims—The United States Housing Corporation is hereby authorized to allow as an offset any equitable claim in any collection made against any State or any political subdivision thereof (June 12, 1922, c. 218, 42 Stat. 641. Feb. 13, 1923, c 72, 42 Stat. 1283 June 7, 1924, c. 292, § 1, 43 Stat. 526. March 3, 1925, c. 468, § 1, 43 Stat. 1204)

From the Executive and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

ADJUSTMENT OF WAR CONTRACTS

§ 3115¼/15a. Adjustment of contracts not executed according to law; limitation on amount of awards; time limit; report to Congress; effect of adjustment; witnesses—That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis that has been entered into, in good faith during the present emergency and prior to November twelfth, nineteen hundred and eighteen, by any officer or agent acting under his authority, direction, or instruction, or that of the President, with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for damages resulting from notice by the Government of its intention to acquire or use said lands, or for the production, manufacture, sale, acquisition or control of equipment, materials or supplies, or for services, or for facilities, or other purposes connected with the prosecution of the war, when such agreement has been performed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such person, firm, or corporation prior to November twelfth, nineteen hundred and eighteen, and such agreement has not been executed in the manner prescribed by law: Provided, That in no case shall any award either by the Secretary of War, or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States and a reasonable remuneration for expenditures and obligations or liabilities necessarily incurred in performing or preparing to perform said con-

tract or order: Provided further, That this Act shall not authorize payment to be made of any claim not presented before June thirtieth, nineteen hundred and nineteen And provided further, That the Secretary of War shall report to Congress at the beginning of its next session following June thirtieth, nineteen hundred and nineteen, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof And provided further, That no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into, or payment made under the provisions of this Act, if the Government has been defrauded, and the right of recovery in all such cases shall exist against the executors, administrators, heirs, successors, and assigns, of any party or parties: And provided further, That nothing in this Act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statute of the United States for any fraud or criminal conduct: And provided further, That this Act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: And provided further, That in all proceedings hereunder witnesses may be compelled to attend, appear, and testify, and produce books, papers and letters, or other documents; and the claim that any such testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding. (March 2, 1919, c. 94, § 1, 40 Stat. 1272.)

This section, and the four sections next following, are an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," cited above.

§ 3115¼/₁₅b. Same; jurisdiction of Court of Claims—The Court of Claims is hereby given jurisdiction on petition of any individual, firm, company or corporation referred to in Section 1 hereof, to find and award fair and just compensation in the cases specified in said Section in the event that such individual, firm, company or corporation shall not be willing to accept the adjustment, payment or compensation offered by the Secretary of War as hereinbefore provided, or in the event that the Secretary of War shall fail or refuse to offer a satisfactory adjustment, payment or compensation as provided for in said Section. (March 2, 1919, c. 94, § 2, 40 Stat. 1273.)

See note to § 3115¼/₁₅a, ante.

§ 3115¼/₁₅c. Adjustment of agreements with foreign governments or nationals thereof—The Secretary of War, through such agency as he may designate or establish is empowered, upon such terms as he or it may determine to be in the interest of the United States, to make equitable and fair adjustments and agreements, upon the termination or in settlement or readjustment of agreements or arrangements entered into with any foreign government or governments or nationals thereof, prior to November twelfth, nineteen hundred and eighteen, for the furnishing to the American Expeditionary Forces or otherwise for War purposes of supplies, materials, facilities, services or the use of property, or for the furnishing of any thereof by the United States to any foreign government or governments, whether or not such agreements or arrangements have been entered into in accordance with applicable statutory provisions; and the other provisions of this Act shall not be applicable to such adjustments (March 2, 1919, c. 94, § 3, 40 Stat 1273)

See note to § 3115¼/₁₅a, ante.

§ 3115¼/₁₅d. Protection of subcontractors on adjustment of contracts—Whenever, under the provisions of this Act, the Secretary of War shall make an award to any prime contractor with respect to any portion of his contract which he shall have sublet to any other person, firm, or corporation who has in good faith made expenditures, incurred obligations, rendered service, or furnished material, equipment, or supplies to such prime contractor, with the knowledge and approval of any agent of the Secretary of War duly authorized thereunto, before payment of said award the Secretary of War shall require such prime contractor to present satisfactory evidence of having paid said subcontractor or of the consent of said subcontractor to look for his compensation to said prime contractor only; and in the case of the failure of said prime contractor to present such evidence or such consent, the Secretary of War shall pay directly to said subcontractor the amount found to be due under said award, and in case of the insolvency of any prime contractor the subcontractor of said prime contractor shall have a lien upon the funds arising from said award prior and superior to the lien of any general creditor of said prime contractor. (March 2, 1919, c. 94, § 4, 40 Stat. 1273.)

See note to § 3115¼/₁₅a, ante.

§ 3115¼/₁₅e. Adjustment of net losses of persons supplying certain minerals; limitation on amount; appropriation; time for filing claims; effect of adjustments; report to Congress—That the Secretary of the Interior be, and he hereby is, authorized to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation, by reason of producing or preparing to produce, either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war; said minerals being enumerated in the Act of Congress approved October fifth, nineteen hundred and eighteen, entitled "An Act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply." Provided, That all claimants who, in response to any personal, written, or published request, demand, solicitation, or appeal from any of the Government agencies mentioned in said Act, in good faith expended money in producing or preparing to produce any of the ores or minerals named therein and have heretofore mailed or filed their claims or notice in writing thereof within the time and in the manner prescribed by said Act, if the proof in support of said claims clearly shows them to be based upon action taken in response to such request, demand, solicitation or appeal, shall be reimbursed such net losses as they may have incurred and are in justice and equity entitled to from the appropriation in said Act.

If in claims passed upon under said Act awards have been denied or made on rulings contrary to the provisions of this amendment, or through miscalculation, the Secretary of the Interior may award proper amounts or additional amounts.

The said Secretary shall make such adjustments and payments in each case as he shall determine to be just and equitable; that the decision of said Secretary shall be conclusive and final, subject to the limitation

hereinafter provided; that all payments and expenses incurred by said Secretary, including personal services, traveling and subsistence expenses, supplies, postage, printing, and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, as the Secretary of the Interior may deem essential and proper, shall be paid from the funds appropriated by the said Act of October fifth, nineteen hundred and eighteen, and that said funds and appropriations shall continue to be available for said purpose until such time as the said Secretary shall have fully exercised the authority herein granted and performed and completed the duties hereby provided and imposed Provided, however, That the payments and disbursements made under the provisions of this section for and in connection with the payments and settlements of the claims herein described, and the said expenses of administration shall in no event exceed the sum of $8,500,000, And provided further, That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months from and after the approval of this Act: And provided further, That no claim shall be allowed or paid by said Secretary unless it shall appear to the satisfaction of the said Secretary that the expenditures so made or obligations so incurred by the claimant were made in good faith for or upon property which contained either manganese, chrome, pyrites, or tungsten in sufficient quantities to be of commercial importance And provided further, That no claims shall be paid unless it shall appear to the satisfaction of said Secretary that moneys were invested or obligations were incurred subsequent to April sixth, nineteen hundred and seventeen, and prior to November twelfth, nineteen hundred and eighteen, in a legitimate attempt to produce either manganese, chrome, pyrites, or tungsten for the needs of the Nation for the prosecution of the war, and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said Secretary: And provided further, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year.

That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: Provided further, That in determining the net losses of any claimant the Secretary of the Interior shall, among other things, take into consideration and charge to the claimant, the then market value of any ores or minerals on hand belonging to the claimant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip said mine for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid. (March 2, 1919, c. 94, § 5, 40 Stat. 1274, amended, Nov. 23, 1921, c. 137, 42 Stat. 322.)

This section was amended by Act Nov. 23, 1921, c. 137, cited above, by adding to the first paragraph of the section the proviso, as set forth above, and by adding the second paragraph, as set forth above.

§ 3115¼/15see. Limitation on aggregate amount of disbursements repealed—To enable the Secretary of the Interior to lawfully pay adjudicated claims arising under the provisions of the so-called War Minerals Relief Act, entitled, "An Act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, the limitation in said Act on the aggregate amount to be disbursed thereunder in the payment of said claims is hereby repealed (June, 7, 1924, c. 327, 43 Stat. 634.)

This section is an act entitled "An act to authorize the payment of claims under the provisions of the so-called War Minerals Relief Act," cited above

TERMINATION OF WAR TIME ACTS

§ 3115¼/15f. Certain acts, resolutions, and proclamations terminated; exceptions; certain acts repealed—In the interpretation of any provision relating to the duration or date of the termination of the present war or of the present or existing emergency, meaning thereby the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States, in any Acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the duration or the date of the termination of such war or of such present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any Act of Congress or joint resolution providing any other mode of determining the date of such termination And any Act of Congress, or any provision of any such Act, that by its terms is in force only during the existence of a state of war, or during such state of war and a limited period of time thereafter, shall be construed and administered as if such war between the Governments and people aforesaid terminated on the date when this resolution becomes effective, any provision of such law to the contrary notwithstanding, excepting, however, from the operation and effect of this resolution the following Acts and proclamations, to wit: Title 2 of the Act entitled "The Food Control and District of Columbia Rents Act," approved October 22, 1919 (Forty-first Statutes, page 297), the Act known as the Trading with the Enemy Act, approved October 6, 1917 (Fortieth Statutes, page 411), and all amendments thereto, and the First, Second, Third, and Fourth Liberty Bond Acts, the Supplement to the Second Liberty Bond Act, and the Victory Liberty Loan Act; titles 1 and 3 of the War Finance Corporation Act (Fortieth Statutes, page 506) as amended by the Act approved March 3, 1919 (Fortieth Statutes, page 1313), and Public Resolution Numbered 55, Sixty-sixth Congress, entitled "Joint resolution directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes," passed January 4, 1921, also the proclamations issued under the authority conferred by the Acts herein excepted from the effect and operation of this resolution: Provided, however, That nothing herein contained shall be construed as effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective service law, approved May 18, 1917 (Fortieth Statutes, page 76), of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof: Provided further, That the Act entitled "An Act to amend section 3, title 1, of the Act entitled 'An Act to punish acts of interference with foreign relations, the neutrality, and the foreign

commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917 (Fortieth Statutes, page 217), and for other purposes," approved May 16, 1918 (Fortieth Statutes, page 553), be, and the same is hereby, repealed and that said section 3 of said Act approved June 15, 1917, is hereby revived and restored with the same force and effect as originally enacted

Nothing herein contained shall be held to exempt from prosecution or to relieve from punishment any offense heretofore committed in violation of any Act hereby repealed or which may be committed while it remains in force as herein provided. (March 3, 1921, c. 136, 41 Stat 1359)

This is a resolution entitled a "Joint Resolution declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired," cited above See post, § 10212c, and note thereunder

§ 3115¼/₁₅g. Effect of war repeal resolution upon certain acts and resolutions and upon desertions from military service—Nothing herein contained shall be construed to repeal, modify or amend the provisions of the joint resolution "declaring that certain Acts of Congress, joint resolutions and proclamations shall be construed as if the war had ended and the present or existing emergency expired," approved March 3, 1921, or the passport control provisions of an Act entitled "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1922," approved March 2, 1921; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the Selective Service law, approved May 18, 1917, of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof. (July 2, 1921, c 40, § 6, 42 Stat. 107.)

This section is section 6 of a resolution entitled a "Joint Resolution terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States," cited above Sections 1 and 3 terminate the state of war existing between Germany and the United States and between Austria-Hungary and the United States. Sections 2 and 4 reserve to the United States and its Nationals all rights, privileges, indemnities, reparations, or advantages, with the right to enforce the same, to which it or they became entitled under the Armistice terms, or extensions or modifications thereof, or which were acquired by or are in the possession of the United States by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which under the treaties of Versailles, Saint Germain-en-Laye, or Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any act or acts of Congress, or otherwise Section 5 provides that all property of the Imperial German Government, the Imperial and Royal Austro-Hungarian Government, or their successors, and of all German and Austro-Hungarian nationals, which were, on April 6, 1917, or have, since that date, came into the possession or under control of, or have been the subject of a demand by the United States, or by any of its officers, agents, or employés, from any source or by any agency whatsoever, shall be retained by the United States, and no disposition thereof made, except as shall have heretofore or specifically hereafter shall be provided by law until such time as said Governments, or their successors, shall have made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons owing permanent allegiance to the United States and who have suffered through the acts of said Governments, or their agents, since July 31, 1914, loss, damage or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States most-favored-nation treatment in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until said Governments, or their successors, shall have respectively confirmed to the United States all fines, forfeitures, penalties, and seizures imposed by the United States during the war, and shall have waived any and all pecuniary claims against the United States.

TITLE XVIII—DIPLOMATIC AND CONSULAR OFFICERS

Chapter One—Diplomatic Officers

§ 3117.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c. 364, title I, 43 Stat. 1015, makes the following appropriations for the salaries of ambassadors, etc

"Ambassadors and Ministers Ambassadors extraordinary and plenipotentiary to Argentina, Brazil, Chile, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, at $17,500 each, $227,500 Provided, That so much as may be necessary of the amount herein appropriated for the salary of an Ambassador to Turkey shall be available for the salary of an envoy extraordinary and minister plenipotentiary to Turkey at $12,000 per annum in the event that the President should appoint a diplomatic representative of that grade,

"For ambassador extraordinary and plenipotentiary to Belgium and envoy extraordinary and minister plenipotentiary to Luxemburg, $17,500,

"Envoys extraordinary and ministers plenipotentiary to China, and the Netherlands, at $12,000 each, $24,000;

"Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Uruguay, and Venezuela, at $10,000 each, and to the Serbs, Croats, and Slovenes, $10,000, in all, $320,000

"Envoy extraordinary and minister plenipotentiary to Esthonia, Latvia, and Lithuania, $10,000,

"Minister resident and consul general to Liberia, $5,000,

"Agent and consul general at Tangier, $7,500;

"Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government" * *

§ 3122bb. Ambassador to Cuba—The compensation of an ambassador to Cuba when hereafter appointed shall be the sum of $17,500 per annum. * * (Jan 22, 1923, c. 29, § 1, 42 Stat 1160.)

From the "Second Deficiency Act, Fiscal Year 1923," cited above

§ 3122c. Ambassador to Belgium—That the President be, and he is hereby, authorized to appoint, as the representative of the United States, an ambassador to the Kingdom of Belgium, who shall receive as compensation the sum of $17,500 per annum. (Sept. 29, 1919, c 72, 41 Stat. 291)

This is a resolution entitled a "Joint Resolution authorizing the appointment of an ambassador to Belgium," cited above

§ 3124a. Envoy extraordinary and minister plenipotentiary to Egypt—The President is hereby authorized to appoint as the representative of the United States an envoy extraordinary and minister plenipotentiary to Egypt, who shall receive as compensation the sum of $10,000 per annum. * * (June 1, 1922, c. 204, title I, 42 Stat. 600)

From the State, Justice, and Judiciary appropriation act for the year 1923, cited above.

§ 3125.

See note to § 3130b, post.

§ 3126.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c. 364, title I, 43 Stat. 1016, makes the following appropriations for salaries of interpreters to embassies and legations:

"Interpreters to Embassies and Legations.

"Interpreter to legation and consulate general to Persia, $2,000

"Interpreter to legation and consulate general to Bangkok, Siam, $2,500.

"For the payment of the cost of tuition of foreign service officers assigned for language study in China, Japan, and Turkey, at the rate of $350 per annum each, $5,250."

§ 3127.

See note to § 3126, ante.

§ 3128.

See note to § 3117, ante.

§ 3129.
See note to § 3117, ante

§ 3130aa. Foreign Service officers as counselor of embassy or legation—The President may, whenever he considers it advisable so to do, designate and assign any Foreign Service officer as counselor of embassy or legation. (July 1, 1916, c 208, 39 Stat. 252, amended, May 24, 1924, c. 182, § 16, 43 Stat. 143)

This section was amended by Act May 24, 1924, c 182, § 16, cited above, to read as set forth above

§ 3130b.
The classification of secretaries in the Diplomatic Service is abolished by Act May 24, 1924, c 182, § 5, post, § 3197¼d
The designation and classification of secretaries, consuls general, and consuls are prescribed by Act May 24, 1924, c. 182, § 7, post, § 3197¼e
The provision of the diplomatic and consular service appropriation act for the year 1921, Act June 4, 1920, c 223, 41 Stat 740, which read as follows "Secretaries in the Diplomatic Service shall hereafter be graded and classified as follows Secretaries of class one, $4,000 per annum, secretaries of class two, $3,625 per annum, secretaries of class three, $3,000 per annum, secretaries of class four, $2,500 per annum "—is also no longer operative

§ 3130c. Reports as to efficiency and fitness for appointment of Foreign Service officers—The Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister, and the names of those Foreign Service officers and employees and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the lower grades of the service. (Feb. 5, 1915, c. 23, § 5, 38 Stat. 806, amended, May 24, 1924, c. 182, § 6, 43 Stat. 141.)

This section was amended by Act May 24, 1924, c 182, § 6, cited above, to read as set forth above

§ 3131. Secretary of embassy or legation acting as chargé d'affaires, and vice consul in charge of consulate general or consulate—For such time as any Foreign Service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as Foreign Service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be. (R. S. § 1685, amended March 2, 1909, c. 235, 35 Stat. 673, Feb. 5, 1915, c. 23, § 3, 38 Stat. 805, and May 24, 1924, c. 182, § 17, 43 Stat. 143.)

This section was again amended by Act May 24, 1924, c. 182, § 17, cited above, to read as set forth above.

§ 3131b. Vice consuls in charge of consulate general or consulate—After June 30, 1924, vice consuls while in charge of a consulate general or consulate during the absence of the principal officer shall be entitled to additional compensation in the same manner and under the same conditions as foreign-service officers as provided in section 17 of the Act of May 24, 1924. (Feb. 27, 1925, c. 364, title I, 43 Stat. 1016.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above.

§ 3133. Clerks to be citizens; civil service appointment—For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, * * ; and so far as practicable shall be appointed under civil-service rules and regulations. (June 1, 1922, c. 204, title I, 42 Stat. 601 Jan. 3, 1923, c. 21, title I, 42 Stat. 1070. May 28, 1924, c 204, title I, 43 Stat. 206 Feb. 27, 1925, c 364, title I, 43 Stat. 1016)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provisions are contained in prior acts

§ 3136a. Private secretaries to ambassadors; appointment; appropriation for salaries—Appropriations are authorized for the salary of a private secretary to each ambassador who shall be appointed by the ambassador and hold office at his pleasure. (May 24, 1924, c. 182, § 13, 43 Stat. 143.)

This section is section 13 of an act entitled "An act for the reorganization of the Foreign Service of the United States, and for other purposes," cited above.

Chapter Two—Consular Officers

§ 3140.
The designation and classification of vice consuls of career and consular assistants are prescribed by Act May 24, 1924, c 182, § 7, post, § 3197¼e

§ 3141.
This section is made applicable to Foreign Service officers detailed for the purpose of inspection, by Act May 24, 1924, c 182, § 10, post, § 3197¼g.

§ 3141a.
See, post, § 3197¼gg.

§ 3142a.
See post, § 3197¼b, and note.

§ 3145.
See note to § 3126, ante

§ 3146a. Civil service appointment of clerks at consulates—For allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State. * * Clerks, whenever hereafter appointed, shall, so far as practicable, be appointed under civil-service rules and regulations. (June 1, 1922, c. 204, title I, 42 Stat 602. Jan. 3, 1923, c. 21, title I, 42 Stat. 1071. May 28, 1924, c. 204, title I, 43 Stat. 208. Feb. 27, 1925, c. 364, title I, 43 Stat. 1017.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provisions are contained in prior acts.

§ 3149. Bonds of secretaries, consuls general, consuls, vice consuls of career, and Foreign Service officers—Every secretary, consul general, consul, vice consul of career, or Foreign Service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: Provided, That the operation of no existing bond shall in any wise be impaired by the provisions of this Act: Provided further, That such bond shall cover by its stipulations all official acts of such officer, whether as Foreign Service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury. (R. S. § 1697,

amended Dec. 21, 1898, c. 36, § 1, 30 Stat. 770, and May 24, 1924, c. 182, § 9, 43 Stat 142.)

This section was again amended by Act May 24, 1924, c. 182, § 9, cited above, to read as set forth above The amending clause of said § 9 reads as follows "That sections 1697 and 1698 of the Revised Statutes are hereby amended to read as follows"

§ 3150. [Amended]

See note to § 3149, ante.

§ 3154.

The designation and classification of consular assistants are prescribed by Act May 24, 1924, c. 182, § 7, post, § 3197¼c.

§ 3186.

This section is extended to include both branches of the Foreign Service by Act May 24, 1924, c 182, § 11, post, § 3197¼h.

§ 3188.

This section is extended to include both branches of the Foreign Service by Act May 24, 1924, c. 182, § 11, post, § 3197¼h

Chapter Two A—Foreign Service of United States

§ 3197¼. Diplomatic, and Consular Service designated Foreign Service of the United States—Hereafter the Diplomatic and Consular Service of the United States shall be known as the Foreign Service of the United States. (May 24, 1924, c. 182, § 1, 43 Stat. 140.)

This section, and the sixteen sections next following, are §§ 1-5, 7, 8, 10-12, 14, 15, part of 17, 18-21 of an act entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," cited above. For § 6 of said act, see ante, § 3130c; for § 9, see ante, § 3149, for § 13, see ante, § 3136a; for § 16, see ante, § 3130aa, for § 17 (part), see ante, § 3131; for § 22, see ante, §§ 289a, 289b, 297a Section 23 provides that the act shall take effect July 1, 1924.

§ 3197¼a. Foreign Service officers; who are—The official designation "Foreign Service officer" as employed throughout this Act shall be deemed to denote permanent officers in the Foreign Service below the grade of minister, all of whom are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or the consular branch of the Foreign Service at the discretion of the President. (May 24, 1924, c. 182, § 2, 43 Stat. 140.)

See note to § 3197¼, ante.

§ 3197¼b. Grading and classification of Foreign Service officers; details for purpose of inspection—The officers in the Foreign Service shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto, but not exceeding in number for each class a proportion to the total number of officers in the service represented in the following percentage limitations: Ambassadors and ministers as now or hereafter provided; Foreign Service officers as follows: Class 1, 6 per centum, $9,000; class 2, 7 per centum, $8,000; class 3, 8 per centum, $7,000; class 4, 9 per centum, $6,000; class 5, 10 per centum, $5,000; class 6, 14 per centum, $4,500; class 7, $4,000; class 8, $3,500; class 9, $3,000; unclassified, $3,000 to $1,500: Provided, That as many Foreign Service officers above class 6 as may be required for the purpose of inspection may be detailed by the Secretary of State for that purpose. (May 24, 1924, c. 182, § 8, 43 Stat. 140.)

See note to § 3197¼, ante.
For current appropriation for salaries of foreign service officers, see Act Feb. 27, 1925, c. 364, title I, 43 Stat. 1017.

§ 3197¼c. Foreign Service officers as secretaries in Diplomatic service or consular officers, or both—Foreign Service officers may be appointed as secretaries in the Diplomatic Service or as consular officers or both: Provided, That all such appointments shall be made by and with the advice and consent of the Senate: Provided further, That all official acts of such officers while on duty in either the diplomatic or the consular branch of the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers (May 24, 1924, c. 182, § 4, 43 Stat 140.)

See note to § 3197¼, ante

§ 3197¼d. Appointment of Foreign Service officers; examination and probation; transfer from State Department; citizenship; reinstatement; commissions to be to classes; assignment to posts; classification of Secretaries in Diplomatic Service abolished—Hereafter appointments to the position of Foreign Service officer shall be made after examination and a suitable period of probation in an unclassified grade or, after five years of continuous service in the Department of State, by transfer therefrom under such rules and regulations as the President may prescribe: Provided, That no candidate shall be eligible for examination for Foreign Service officer who is not an American citizen: Provided further, That reinstatement of Foreign Service officers separated from the classified service by reason of appointment to some other position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe.

All appointments of Foreign Service officers shall be by commission to a class and not by commission to any particular post, and such officers shall be assigned to posts and may be transferred from one post to another by order of the President as the interests of the service may require: Provided, That the classification of secretaries in the Diplomatic Service and of consular officers is hereby abolished, without, however, in any wise impairing the validity of the present commissions of secretaries and consular officers. (May 24, 1924, c. 182, § 5, 43 Stat. 141.)

See note to § 3197¼, ante

§ 3197¼e. Record of efficiency of secretaries, consuls general, consuls, vice-consuls of career, consular assistants, interpreters, and student interpreters; recommissioning; designation and classification—On the date on which this Act becomes effective the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, consuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the recommissioning, without further examination, of those then in office as follows:

Secretaries of class one designated as counselors of embassy, and consuls general of classes one and two as Foreign Service officers of class one.

Secretaries of class one designated as counselors of legation and consuls general of class three as Foreign Service officers of class two.

Secretaries of class one not designated as counselors, consuls general of class four, and consuls general at large as Foreign Service officers of class three.

Secretaries of class two, consuls general of class five, consuls of classes one, two, and three, and Chinese, Japanese, and Turkish secretaries as Foreign Service officers of class four.

Consuls of class four as Foreign Service officers of class five.

Secretaries of class three, consuls of class five, and Chinese, Japanese, and Turkish assistant secretaries as Foreign Service officers of class six.

Consuls of class six as Foreign Service officers of class seven.

at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded: Provided, That service in the Department of State prior to appointment as a Foreign Service officer may be included in the period of service, in which case the officer shall pay into the Foreign Service retirement and disability fund a special contribution equal to 5 per centum of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per centum. (May 24, 1924, c. 182, § 18, 43 Stat. 144)

See note to § 3197¼, ante

§ 3197¼n. Temporary recall to duty of retired Foreign Service officers—In the event of public emergency any retired Foreign Service officer may be recalled temporarily to active service by the President and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving (May 24, 1924, c. 182, § 19, 43 Stat. 146)

See note to § 3197¼, ante

§ 3197¼o. Other laws applicable to Foreign Service officers—All provisions of law heretofore enacted relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the provisions of this Act, are hereby made applicable to Foreign Service officers when they are designated for service as diplomatic or as consular officers, and that all Acts or parts of Acts inconsistent with this Act are hereby repealed. (May 24, 1924, c. 182, § 20, 43 Stat. 146)

See note to § 3197¼, ante.

§ 3197¼p. Appropriations made available—The appropriations contained in Title I of the Act entitled "An Act making appropriations for the Departments of State and Justice and for the Judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1925, and for other purposes," for such compensation and expenses as are affected by the provisions of this Act are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired Foreign Service officers. (May 24, 1924, c. 182, § 21, 43 Stat. 146.)

See note to § 3197¼, ante.

Chapter Three—Provisions Common to Diplomatic and Consular Officers

§ 3198.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb. 27, 1925, c. 364, title I, 43 Stat 1017, contains the following.

"Salaries, Diplomatic, Consular, and Foreign Service Officers While Receiving Instructions and in Transit.

"To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, $30,000."

§ 3198b. Additional compensation to meet increased cost of living—Post Allowances to Diplomatic, Consular, and Foreign Service Officers. To enable the President, in his discretion, and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to diplomatic, consular and foreign service officers, and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned. (June 1, 1922, c. 204, title I, 42 Stat 604 Jan 3, 1923, c 21, title I, 42 Stat. 1073 May 28, 1924, c 204, title I, 43 Stat. 210 Feb. 27, 1925, c 364, title I, 43 Stat 1018)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 3208.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title I, 43 Stat 1016, contains the following provisions.

"Contingent Expenses, Foreign Missions

'To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, household furniture and furnishings not to exceed $25,000, typewriters and exchange of same, messenger service, operation and maintenance of launch for embassy at Constantinople not exceeding $2,500, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, translators, and the compensation of and rent for dispatch agents at London, New York, San Francisco, Seattle, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for loss on bills of exchange to and from embassies and legations, including such loss on bills of exchange to officers of the United States Court for China, and payment in advance of subscriptions for newspapers (foreign and domestic), rent, telephone, and other similar services under this appropriation is hereby authorized, $713,162 Provided, that no part of this sum appropriated for contingent expenses, foreign missions, shall be expended for salaries or wages of persons not American citizens performing clerical services, whether officially designated as clerks or not, in any foreign mission

"Transportation of Diplomatic, Consular, and Foreign Service Officers

"To pay the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of State may prescribe, of diplomatic, consular and foreign service officers, and clerks in embassies, legations, and consulates, including officers of the United States Court for China, and their families and effects in going to and returning from their posts, or of such officers and clerks when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $250,000' Provided, That no part of said sum shall be paid for transportation on foreign vessels without a certificate from the Secretary of State that there are no American vessels on which such officers and clerks may be transported"

The last provision as set forth above, is also found in the Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c. 556, § 1, 43 Stat 1338.

TITLE XIX—PROVISIONS APPLICABLE TO SEVERAL CLASSES OF PUBLIC OFFICERS AND EMPLOYÉS

Chapter A — Appointment, Qualification, Compensation, and Services, in General

§ 3214a. Preference to honorably discharged soldiers, sailors, and marines, and widows—Hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such and to the

wives of injured soldiers, sailors and marines who themselves are not qualified, but whose wives are qualified to hold such positions. (March 3, 1919, c. 97, § 6, 40 Stat. 1295, amended, July 11, 1919, c. 6, § 1, 41 Stat. 37)

This section is a part of section 6 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. It was amended by Act July 11, 1919, c. 6, § 1, also cited above, by striking out, after the word "executive," the words "departments and independent governmental establishments," and substituting therefor the words "branch of the Government in the District of Columbia and elsewhere," and by striking out, after the words "widows of such," the words "if they are qualified to hold such positions," and substituting therefor the words "and to the wives of injured soldiers," etc., to the end of the section.

§ 3215b. Reinstatement of drafted employees—All former Government employees who have entered the military or naval service of the United States in the war with the German Government shall be reinstated on application to their former positions if they have received an honorable discharge and are qualified to perform the duties of the position. (July 11, 1919, c. 9, 41 Stat. 142)

This section is a provision of the naval appropriation act for the fiscal year 1920, cited above. It supersedes a somewhat similar provision in Act Feb. 25, 1919, c. 39, § 1, 40 Stat. 1164.

§ 3218a. Oath for certain purposes; renewal—Employees of the Department of Agriculture who, upon original appointment, have subscribed to the oath of office required by section 1757 of the Revised Statutes shall not be required to renew the said oath because of any change in status so long as their services are continuous, unless, in the opinion of the Secretary of Agriculture the public interests require such renewal. (Jan. 31, 1925, c. 124, § 3, 43 Stat. 803.)

This section is § 3 of an act entitled "An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes," cited above. Sections 1 and 2 of this act are set forth ante, as §§ 794a, 794b. R. S. § 1757, mentioned in this section, is § 3213, U. S. Comp. St. 1918.

§ 3228c. R. S. § 1761, not applicable to original appointees to Board of Tax Appeals—The provisions of section 1761 of the Revised Statutes shall not apply to any person appointed as an original member of the Board of Tax Appeals, established by section 900 of the Revenue Act of 1924, if such appointment is made prior to December 1, 1924. (June 7, 1924, c. 377, 43 Stat. 669.)

This section is a resolution entitled a "Joint resolution in respect of salaries of original appointees to the Board of Tax Appeals," cited above. For R. S. § 1761, mentioned in this section, see U. S. Comp. St. 1918, § 3223.

§ 3230a.

This section is made inapplicable to certain employees of the Library of Congress by Act March 3, 1925, c. 423, § 6, ante, § 1221.

§ 3230b. Double salaries; employees of school garden department of public schools of District of Columbia—Section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, as amended, shall not apply to employees of the school garden department of the public schools of the District of Columbia. (June 5, 1920, c. 253, § 1, 41 Stat. 1017)

From the third deficiency appropriation act for the year 1921, cited above. For Act May 10, 1916, c. 117, § 6, as amended, referred to in this section, see U. S. Comp. St. 1918, § 3230a.

§ 3230c. Same; employees of community center, department of public schools, D. C.—Section six of the legislative, executive, and judicial appropriation Act, approved May tenth, nineteen hundred and sixteen, as amended, shall not apply to employees of the community center department of the public schools of the District of Columbia. (July 8, 1918, c. 139, § 1, 40 Stat. 823)

From the deficiency appropriation act on account of war expenses for the year ending June 30, 1918, cited above.

For Act May 10, 1916, c. 117, § 6, mentioned in this section, see U. S. Comp. St. 1918, § 3230a.

§ 3231. Holding other lucrative office—No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially hereinafter or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement. (July 31, 1894, c. 174, § 2, 28 Stat. 205, amended, May 31, 1924, c. 214, 43 Stat. 245)

This section was amended by Act May 31, 1924, c. 214, cited above, by adding the last sentence.

See, also, note to § 3231aa, post.

This section is made inapplicable to certain employés of the Department of Agriculture, by a provision of Act July 24, 1919, c. 26, ante, § 839f. It is also made inapplicable to certain employees of the Library of Congress by Act March 3, 1925, c. 423, § 6, ante, § 1221.

§ 3231aa. Holding other lucrative office; exception—Section 2 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved July 31, 1894, shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 207 of the Budget and Accounting Act, 1921, approved June 10, 1921, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay. * * (Feb. 17, 1922, c. 55, 42 Stat. 373)

From the Treasury Department appropriation act for the year 1923, cited above, accompanying appropriations for the Bureau of the Budget. For Act July 31, 1894, c. 174, § 2, referred to in this section, see U. S. Comp. St. 1918, § 3231.

§ 3231aaa. Pay and allowances of officers of Army, Navy, and Marine Corps while serving on duty in coordination of business of Government—Hereafter no commissioned officer of the Army, Navy, or Marine Corps shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government, as now being conducted by him under the general supervision of the Director of the Bureau of the Budget: Provided, That the number of officers detailed to this duty shall not at any time exceed twenty-six. (June 7, 1924, c. 291, title I, 43 Stat. 481. Feb. 12, 1925, c. 225, title I, 43 Stat. 895.)

From the War Department appropriation act for the year 1926, cited above. A similar provision is contained in a prior act.

§ 3231b. Receiving salary from source other than United States; immigration officials—Nothing in the proviso contained in the Legislative, Executive, and Judicial Appropriation Act of March 3, 1917, relative to augmenting salaries of Government officials from outside sources shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursement shall be credited to the appropriation, "Expenses of regulat-

ing immigration" (March 4, 1921, c. 161, § 1, 41 Stat 1424)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts For Act March 3, 1917, c 163, § 1, referred to in this section, see U. S Comp St 1918, § 3231a

§ 3238a.

See post, § 6941k.

§ 3265a. Purchase of material, supplies and equipment from other Government services—The heads of the several executive departments and other responsible officials, in expending appropriations contained in this Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable And articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: Provided, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities. (March 1, 1919, c. 86, § 8, 40 Stat. 1268.)

This section is section 8 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, cited above.

Chapter B—Civil Service Commission and Classified Civil Service

§ 3274.

For current appropriation for the Civil Service Commission in accordance with the Classification Act of 1923, see Act March 3, 1925, c 468, § 1, 43 Stat 1200. Said act also contains the following provisions

"Field force For salaries of the field force, $330,000.

"Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1926, but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force."

Section 2 of said act reads as follows.

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 3274a. Secretary of Commission deemed employee— * * The secretary of the Civil Service Commission shall be deemed an employee for the purposes of this Act * * (June 12, 1922, c. 218, 42 Stat 637)

From the Executive and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1923, cited above, accompanying appropriations for the Civil Service Commission under the heading "Civil Service Commission"

§ 3275a. Rooms and accommodations for Commission—The duty placed upon the Secretary of the Interior by section 4 of an Act entitled "An Act to regulate and improve the civil service of the United States," approved January 16, 1883, shall be performed on and after July 1, 1920, by the Civil Service Commission (May 29, 1920, c 214, § 1, 41 Stat 642)

This section is a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1921, cited above

See U S Comp St 1918, § 3275.

§ 3275aa. Care, maintenance, etc., of Civil Service Commission building transferred to superintendent of State, War, and Navy buildings—Civil Service Commission Building. The responsibility for the care maintenance, and protection of the building or buildings occupied by the Civil Service Commission in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1923, from the United States Civil Service Commission to the Superintendent of the State, War, and Navy Department Buildings (Feb. 13, 1923, c. 72, 42 Stat. 1240)

From the Executive office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above

For abolition of office of Superintendent of State, War, and Navy Department Buildings, see post, § 3329f

§ 3284. Place of examinations; persons afflicted with tuberculosis; certificate of health; appointments from same family—Hereafter all examinations of applicants for positions in the Government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination: Provided further, That the Civil Service Commission shall hold examinations of applicants temporarily absent from the places of their legal residence or domicile in the District of Columbia and elsewhere in the United States where examinations are usually held, upon proof satisfactory to the commission that such applicants are bona fide residents of the States or Territories in which such applicants claim to have legal residence or domicile· Provided further, That nothing herein shall be so construed as to abridge the existing law of apportionment or change the requirements of existing law as to legal residence or domicile of such applicants: And provided further, That no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician: And provided further, That in no instance shall more than one person be appointed from the same family. (March 3, 1919, c. 97, § 7, 40 Stat. 1293)

This section is a part of section 7 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above. Section 34 of said act repeals Act July 2, 1909, c. 2, § 7, 36 Stat 3, which contained provisions similar to those of this section

§ 3286d.

For current appropriation for the Bureau of Efficiency in accordance with the Classification Act of 1923, see

Act March 3, 1925, c. 468, § 1, 43 Stat. 1200 Section 2 of said act reads as follows:

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 3286f. Bureau of Efficiency; books, records, and papers transferred to—Not later than June 30, 1919, all books, records, and papers relating to the investigations of duplication of statistical and other work and to the work of the statistical clearing house of the Central Bureau of Planning and Statistics shall be transferred to the Bureau of Efficiency. (July 11, 1919, c. 6, § 1, 41 Stat. 36)

From the deficiency appropriation act for the year 1919, and prior years cited above

§ 3287a. Civil service status of soldiers, sailors, and marines—The period of time during which soldiers, sailors, and marines, both enlisted and drafted men, who, prior to entering the service of their country, had a civil service status, and whose names appear upon the eligible list of the Civil Service Commission, shall not be counted against them in the determination of their eligibility for appointment under the law, rules and regulations of the Civil Service Commission now in effect, and at the time of demobilization their civil service status shall be the same as when they entered the service. (March 1, 1919, c. 86, § 1, 40 Stat. 1224)

From the legislative, executive, and judicial appropriation act for the year 1920, cited above.

Chapter BB—Classification of Civilian Positions

§ 3287¼. Citation of act—This Act may be cited as "The Classification Act of 1923." (March 4, 1923, c. 265, § 1, 42 Stat. 1488.)

This section, and the thirteen sections next following are an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," cited above.

§ 3287¼a. Definitions—The term "compensation schedules" means the schedules of positions, grades, and salaries, as contained in section 13 of this Act

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, and the Smithsonian Institution.

The term "the head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer of the department.

The term "board" means the Personnel Classification Board established by section 3 hereof.

The term "position" means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Postal Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the Metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey

The term "employee" means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices and employments

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work

The term "class" means a group of positions to be established under this Act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position. (March 4, 1923, c. 265, § 2, 42 Stat. 1488)

See note to § 3287¼, ante.

§ 3287¼b. Personnel Classification Board; members; chairman; details to Board; cooperation of Civil Service Commission, etc.; rules and regulations; grades and subdivisions thereof—There is hereby established an ex officio board, to be known as the Personnel Classification Board, to consist of the Director of the Bureau of the Budget or an alternate from that Bureau designated by the Director, a member of the Civil Service Commission or an alternate from that commission designated by the commission, and the Chief of the United States Bureau of Efficiency or an alternate from that bureau designated by the chief of the bureau. The Director of the Bureau of the Budget or his alternate shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions The Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency shall render the board such cooperation and assistance as the board may require for the performance of its duties under this Act.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this Act and provide such subdivisions of the grades contained in section 13 hereof and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes. In performing the foregoing duties, the board shall follow as nearly as practicable the classification made pursuant to the Executive order of October 24, 1921. The board may from time to time designate additional classes within the several grades and

may combine, divide, alter, or abolish existing classes Department heads shall promptly report the duties and responsibilities of new positions to the board The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service. (March 4, 1923, c. 265, § 3, 42 Stat. 1489)

See note to § 3287¼, ante

§ 3287½c. Allocation of positions to grades and fixing of rates of compensation by department heads; review and revision by Board—After consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 6 herein Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties

In determining the rate of compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed. (March 4, 1923, c. 265, § 4, 42 Stat 1489.)

See note to § 3287¼, ante

§ 3287½d. Application of compensation schedules; report to Congress by Board as to field services—The compensation schedules shall apply only to civilian employees in the departments within the District of Columbia and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character The board shall make a survey of the field services and shall report to Congress at its first regular session following the passage of this Act schedules of positions, grades, and salaries for such services, which shall follow the principles and rules of the compensation schedules herein contained in so far as these are applicable to the field services. This report shall include a list prepared by the head of each department, after consultation with the board and in accordance with a uniform procedure prescribed by it, allocating all field positions in his department to their approximate grades in said schedules and fixing the proposed rate of compensation of each employee thereunder in accordance with the rules prescribed in section 6 herein. (March 4, 1923, c. 265, § 5, 42 Stat. 1489.)

See note to § 3287¼, ante.

§ 3287½e. Rules governing fixing of compensation schedules—In determining the compensation to be established initially for the several employees the following rules shall govern:

1 In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum rate of the grade or class thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation

4 If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5 If the employee is not a veteran of the Civil War, or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation

6 All new appointments shall be made at the minimum rate of the appropriate grade or class thereof. (March 4, 1923, c. 265, § 6, 42 Stat. 1490.)

See note to § 3287¼, ante

§ 3287½f. Increases in compensation—Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings, to the next higher rate within the salary range of the grade Provided, however, That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted. (March 4, 1923, c 265, § 7, 42 Stat. 1490.)

See note to § 3287¼, ante.

§ 3287½g. Existing preferences in appointment, etc., not affected—Nothing in this Act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force. (March 4, 1923, c. 265, § 8, 42 Stat. 1490)

See note to § 3287¼, ante.

§ 3287½h. Efficiency ratings—The board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board. (March 4, 1923, c. 265, § 9, 42 Stat. 1490.)

See note to § 3287¼, ante.

§ 3287½i. Transfer or promotion of employees—Subject to such rules and regulations as the

President may from time to time prescribe, and regardless of the department or independent establishment in which the position is located, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, in accordance with civil service rules, any provision of existing statutes to the contrary notwithstanding Provided, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States. (March 4, 1923, c. 265, § 10, 42 Stat 1491.)

See note to § 3287¼, ante.

§ 3287¼j. Temporary appointments not made permanent—Nothing contained in this Act shall be construed to make permanent any temporary appointments under existing law. (March 4, 1923, c. 265, § 11, 42 Stat 1491.)

See note to § 3287¼, ante.

§ 3287¼k. Readjustment of rates of compensation—It shall be the duty of the board to make a study of the rates of compensation provided in this Act for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall, after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable. (March 4, 1923, c. 265, § 12, 42 Stat. 1491.)

See note to § 3287¼, ante.

§ 3287¼l. Compensation schedules enumerated—The compensation schedules be as follows:

Professional and Scientific Service

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade one, in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for positions in this grade shall be $1,800, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade two, in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Grade three, in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade four, in this service which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher rate is specifically authorized by law.

Grade five in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to act as assistant head of a large professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000, unless a higher rate is specifically authorized by law.

Grade six in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the scientific and administrative head of a major professional or scientific bureau, or as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law.

Grade seven in this service, which may be referred to as the special professional grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade six.

The annual rate of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

Subprofessional Service

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade one in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, $1,140, $1,200, and $1,260.

Grade two, in this service, which may be referred to as the undersubprofessional grade, shall include all

classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience but not the exercise of independent judgment

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade three, in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade four in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade five in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040

Grade six in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade five of this service.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade seven in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade six of this service

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700.

Grade eight in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade seven of this service.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Clerical, Administrative, and Fiscal Service

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade one in this service, which may be referred to as the under clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work.

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500.

Grade two, in the service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

Grade three in this service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800 and $1,860.

Grade four, in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade five, in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400.

Grade six in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work, requiring extended training and experience, the exercises of independent judgment or knowledge of a specialized and com-

plex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700

Grade seven in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000

Grade eight in this service, which may be referred to as the associate administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $2,700, $2,800, $2,900, $3,000, $3,100, $3,200, and $3,300

Grade nine in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600.

Grade ten in this service, which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized, and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be $3,300, $3,400, $3,500, $3,600, $3,700, $3,800, and $3,900.

Grade eleven, in this service, which may be referred to as the assistant chief administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines, requiring extended training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or to supervise the general business operations of an executive department, or to supervise a large and important office organization engaged in work involving extended training and considerable experience on the part of the employees

The annual rates of compensation for positions in this grade shall be $3,800, $4,000, $4,200, $4,400, $4,600, $4,800, and $5,000, unless a higher rate is specifically authorized by law.

Grade twelve in this service, which may be referred to as the chief administrative grade, shall include all classes of positions the duties of which are to supervise the design and installation of office systems, methods and procedures, or to be head of a small bureau in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility

The annual rates of compensation for positions in this grade shall be $5,200, $5,400, $5,600, $5,800, and $6,000, unless a higher rate is specifically authorized by law.

Grade thirteen, in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to act as chief of a large bureau or a bureau having important administrative or investigative functions in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $6,000, $6,500, $7,000, and $7,500, unless a higher rate is specifically authorized by law

Grade fourteen in this service, which may be referred to as the special executive grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 13

The annual rate of compensation for positions in this grade shall be $7,500, unless a higher rate is specifically authorized by law.

Custodial Service

The custodial service shall include all classes of positions the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees or property, and the transmission of official papers.

Grade one, in this service, which may be referred to as the junior messenger grade, shall include all classes of positions the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be $600, $630, $660, $690, $720, $750, and $780.

Grade two, in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or, to perform other work of similar character

The annual rates of compensation for positions in this grade shall be $900, $960, $1,020, $1,080, and $1,140: Provided, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents an hour.

Grade three, in this service, which may be referred

to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial or manual office work with some degree of responsibility, such as guarding office or storage buildings, operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines, firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles, packing goods for shipment, supervising a large group of charwomen, running errands and doing light manual or mechanical tasks with some responsibility, carrying important documents from one office to another; or attending the door and private office of a department head or other public officer

The annual rates of compensation for positions in this grade shall be $1,020, $1,080, $1,140, $1,200, and $1,260

Grade four in this service, which may be referred to as the under custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers, directly supervising a small detachment of watchmen or building guards, firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes, or performing general semimechanical new or repair work requiring some skill with hand tools

The annual rates of compensation for positions in this grade shall be $1,140, $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500

Grade five in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680

Grade six in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade seven in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040

Grade eight in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $2,000, $2,100, $2,200, $2,300, and $2,400

Grade nine in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,100, $2,200, $2,300, $2,400, $2,500, $2,600, and $2,700

Grade ten in this service, which may be referred to as the chief custodial grade, shall include all classes of positions, the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,400, $2,500, $2,600, $2,700, $2,800, $2,900, and $3,000.

Clerical-Mechanical Service

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the Mail Equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade one shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 45 to 50 cents an hour.

Grade two shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade one.

The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

Grade three shall include all classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour

Grade four shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be 80 to 90 cents an hour.

Grade five shall include all classes of positions in this service the duties of which are to be responsible for the administration of a major division of a large bureau or establishment with varied work.

The rates of compensation for classes of positions in this grade shall be $3,000, $3,100, $3,200, $3,300, $3,400, $3,500, and $3,600 a year (March 4, 1923, c. 265, § 13, 42 Stat. 1491, amended June 7, 1924, c 378, 43 Stat. 669.)

See note to § 3287¼, ante.

Paragraph 5 under the heading "Custodial Service" was amended by Res June 7, 1924, c 378, cited above by striking out therefrom the sums, $780 and $840, and paragraph 7 under the same heading was amended by said resolution by striking out the sums, $900 and $960, said amendments being made necessary for the purpose of correcting a clerical error in preparing the bill for the signature of the President, the bill as it passed both houses and agreed to in conference not having included the sums proposed to be stricken out

§ 3287¼m. Estimates of expenditures and appropriations in Budget to conform to classifications; rates of compensation, when effective—The estimates of the expenditures and appropriations set forth in the Budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and that the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such Budget. (March 4, 1923, c. 265, § 14, 42 Stat. 1499)

See note to § 3287¼, ante.

Chapter C—Retirement of Civil Service Employés

§ 3287½. Employees eligible for retirement—Beginning at the expiration of ninety days next following the passage of this Act, all employees in the classified civil service of the United States who have on that date, or shall have on any date thereafter, reached the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 3 of this Act, shall be eligible for retirement on an annuity as provided in section 2 hereof: Provided, That mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at sixty-five years of age, and railway postal clerks at sixty-two years of age, if said mechanics, city and rural letter carriers, post-office clerks, and railway postal clerks shall have rendered at least fifteen years of service computed as prescribed in section 3 of this Act. (May 22, 1920, c. 195, § 1, 41 Stat. 614.)

This section and §§ 3287½a, 3287½aa, 3287½b-3287½o, 3287½oo-3287½s, 3287½ss-3287¼vv, post, as amended, are an act entitled "An act for the retirement of employés in the classified civil service, and for other purposes," cited above

Section 8 of Act July 21, 1921, c 50, 42 Stat. 145, reads as follows: "The Postmaster General be, and he is hereby, authorized to pay to persons who have been retired under the Act of Congress entitled 'An Act for the retirement of employés in the classified civil service, and for other purposes,' approved May 22, 1920, and who have since their retirement been employed in the Postal Service, the sums to which they are entitled for services heretofore rendered."

§ 3287½a. Same; extension of act to non-classified employees; employees who may be excluded from operation of act—The provisions of this Act shall include superintendents of United States national cemeteries, employees of the Superintendent of the United States Capitol Buildings and Grounds, the Library of Congress, and the Botanic Gardens, excepting persons appointed by the President and confirmed by the Senate, and may be extended by Executive Order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this Act. The President shall have power, in his discretion, to exclude from the operation of this Act any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration. (May 22, 1920, c 195, § 1, 41 Stat 614)

See note to § 3287½, ante

§ 3287½aa. Same; employees of District of Columbia—All regular annual employees of the municipal government of the District of Columbia, appointed directly by the commissioners, or by other competent authority including those receiving per diem compensation paid out of general appropriations, but whose services are continuous, and including public-school employees, excepting school officers and teachers, shall be included in the provisions of this Act, but members of the police and fire departments shall be excluded therefrom (May 22, 1920, c. 195, § 1, 41 Stat. 614)

See note to § 3287½, ante.

§ 3287½aaa. Same; definitions—In the administration of the civil service retirement Act approved May 22, 1920, the expression "all employees in the classified civil service of the United States," as used in section 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service, with or without competitive examination, by legislative enactment, or under the civil service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service

The expression "classified civil service" as the same occurs in other Acts of Congress shall receive a like construction to that herein given. (March 27, 1922, c. 116, 42 Stat. 470.)

This is an act entitled "An act construing the expression 'all employees in the classified civil service of the United States,' as used in section 1 of the Act of May 22, 1920, entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,'" cited above.

§ 3287½aaa(1). Same; temporary employés of Treasury Department; payments to—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the agreed compensation in each case to all persons temporarily employed by the Department of the Treasury, prior to the enactment of this Act, who had, before such employment, reached the age for retirement, or who had been retired, from the Government service under the provisions of the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920. In case of the death (either before or after the enactment of this Act) of any person entitled to compensation under the provisions of this Act, the amount of such compensation shall be paid the widow, or if no widow, then to the children, or if no children, then to the estate of such person. (Jan. 14, 1925, c. 77, § 1, 43 Stat. 748.)

This section, and the section next following, are an act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920," cited above.

§ 3287½aaa(2). Same; credit to accounts of disbursing officers for such payments—The Comptroller General is authorized and directed, notwithstanding the provisions of such Act of May 22, 1920, to credit the accounts of all disbursing officers or agents of the Department of the Treasury with the amounts heretofore paid in good faith for temporary services to such persons who had reached the age for retirement or who had been retired. (Jan. 14, 1925, c. 77, § 2, 43 Stat. 749.)

See note to § 3287½aaa(1), ante.

§ 3287½b. Same; other employees excluded—Postmasters, and such employees of the Lighthouse

Service as come within the provisions of section 6 of the Act of June 20, 1918, entitled, "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," shall not be included in the provisions of this Act. (May 22, 1920, c 195, § 1, 41 Stat. 614)

See note to § 3287½, ante.

§ 3287½bb. Classifications and rates—For the purpose of determining the amount of annuity which retired employees shall receive, the following classifications and rates shall be established: (May 22, 1920, c. 195, § 2, 41 Stat. 614.)

See note to § 3287½, ante

§ 3287½c. Class A; amount of annuity—Class A shall include all employees to whom this Act applies who shall have served the United States for a total period of thirty years or more The annuity to a retired employee in this class shall equal 60 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire Provided, That in no case shall an annuity in this class exceed $720 per annum or be less than $360 per annum (May 22, 1920, c 195, § 2, 41 Stat 614)

See note to § 3287½, ante.

§ 3287½cc. Class B; amount of annuity—Class B shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-seven years or more, but less than thirty years. The annuity to a retired employee in this class shall equal 54 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. Provided, That in no case shall an annuity in this class exceed $648 per annum, or be less than $324 per annum (May 22, 1920, c. 195, § 2, 41 Stat. 615)

See note to § 3287½, ante

§ 3287½d. Class C; amount of annuity—Class C shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-four years or more, but less than twenty-seven years The annuity to a retired employee in this class shall equal 48 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: Provided, That in no case shall an annuity in this class exceed $576 per annum, or be less than $288 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615.)

See note to § 3287½, ante.

§ 3287½dd. Class D; amount of annuity—Class D shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-one years or more, but less than twenty-four years. The annuity to a retired employee in this class shall equal 42 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: Provided, That in no case shall an annuity in this class exceed $504 per annum, or be less than $252 per annum. (May 22, 1920, c. 195, § 2, 41 Stat. 615)

See note to § 3287½, ante.

§ 3287½e. Class E; amount of annuity—Class E shall include all employees to whom this Act applies who shall have served the United States for a total period of eighteen years or more, but less than twenty-one years. The annuity to a retired employee in this class shall equal 36 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: Provided, That in no case shall an annuity in this class exceed $432 per annum or be less than $216 per annum (May 22, 1920, c 195, § 2, 41 Stat 615.)

See note to § 3287½, ante.

§ 3287½ee. Class F; amount of annuity—Class F shall include all employees to whom this Act applies who shall have served the United States for a total period of fifteen years or more, but less than eighteen years. The annuity to a retired employee in this class shall equal 30 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire. Provided, That in no case shall an annuity in this class exceed $360 per annum, or be less than $180 per annum (May 22, 1920, c 195, § 2, 41 Stat 615)

See note to § 3287½, ante.

§ 3287½eee. Class G; amount of annuity—Class G shall include charwomen, laborers, and other employees whether classified or unclassified, who are employed on a regular annual basis and whose basic salary, pay, or compensation is at a rate less than $600 per annum The annuity to any retired employee shall be determined according to the method prescribed in the foregoing schedules, except that no annuity shall hereafter be granted to exceed the per centum nor the maximum provided for the respective periods of service It is provided that this class of employees shall otherwise be subject to the provisions of the Act of May 22, 1920. (May 22, 1920, c. 195, § 2, amended, June 17, 1922, c 222, 42 Stat 651)

This section was amended by Act June 17, 1922, c 222, 42 Stat 651, cited above, by adding the paragraph set forth above See note to § 3287½, ante.

§ 3287½f. Basic salary, pay, or compensation defined—The term "basic salary, pay, or compensation" wherever used in this Act shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the positions as fixed by law or regulation. (May 22, 1920, c. 195, § 2, 41 Stat. 615)

See note to § 3287½, ante.

§ 3287½ff. Computation of period of service—For the purposes of this Act and subject to the provisions of section 10 hereof, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas, and honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States: Provided, That in the case of an employee who is eligible for and elects to receive a pension under any law, or compensation under the War Risk Insurance Act, the period of his or her military or naval service upon which such pension or compensation is based shall not be included for the purpose of assignment to classes defined in section 2 hereof, but nothing contained in this Act shall be so construed as to affect in any manner his or her right to a pension, or to compensation under the War Risk Insurance Act, in addition to the annuity herein provided (May 22, 1920, c. 195, § 3, 41 Stat. 615)

See note to § 3287½, ante

§ 3287½g. Same; exclusion of periods of separation from service—It is further provided that in computing length of service for the purposes of this Act all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded, and that in the case of substitutes in the Postal Service only

periods of active employment shall be included. (May 22, 1920, c 195, § 3, 41 Stat. 616)

See note to § 3287½, ante

§ 3287½gg. Powers and duties of Commissioner of Pensions; appeal to Secretary of Interior—For the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior. (May 22, 1920, c. 195, § 4, 41 Stat 616)

See note to § 3287½, ante

§ 3287½h. Retirement for disability; employees entitled to; application; medical examination—Any employee to whom this Act applies who shall have served for a total period of not less than fifteen years, and who, before reaching the retirement age as fixed in section 1 hereof, becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his or her own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity under the provisions of section 2 hereof: Provided, however, That no employee shall be retired under the provisions of this section until examined by a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein (May 22, 1920, c 195, § 5, 41 Stat 616.)

See note to § 3287½, ante.

§ 3287½hh. Same; medical examination; restoration to service—Every annuitant retired under the provisions of this section, unless the disability for which retired is permanent in character, shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in section 1 hereof, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if the annuitant recovers and is restored to his or her former earning capacity before reaching the retirement age, payment of the annuity shall be discontinued from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is hereby authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section. (May 22, 1920, c. 195, § 5, 41 Stat. 616.)

See note to § 3287½, ante.

§ 3287½i. Same; medical examination; fees for—Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act. (May 22, 1920, c 195, § 5, 41 Stat. 616)

See note to § 3287½, ante

§ 3287½ii. Same; discontinuance of annuity; refund of excess of contributions over—In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his or her contributions with accrued interest, the difference shall be paid to the retired employee, or to his or her estate, upon application therefor in such form and manner as the Commissioner of Pensions may direct (May 22, 1920, c 195, § 5, 41 Stat. 617.)

See note to § 3287½, ante

§ 3287½j. Compensation under act and compensation for injuries for same period not allowed—No person shall be entitled to receive an annuity under the provisions of this Act, and compensation under the provisions of the Act of September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. (May 22, 1920, c. 195, § 5, 41 Stat. 617.)

See note to § 3287½, ante.

§ 3287½jj. Notice to employee of retirement; retention in service after reaching retirement age—All employees to whom this Act applies shall, upon the expiration of ninety days next succeeding its passage, if of retirement age, or thereafter on arriving at retirement age as defined in section 1 hereof, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof: Provided, That no person employed in the executive departments within the District of Columbia, retired under the provisions of this Act during the fiscal year ending June 30, 1921, shall be replaced by additional employees, but if the exigencies of the service so require, places made vacant by such retirement may be filled by promotion or transfer of eligible employees already in the service: Provided, That if within sixty days after the passage of this Act or not less than thirty days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Civil Service Commission that by reason of his or her efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon approval and certification by the Civil Service Commission, and at the end of the two years he or she may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: Provided, however, That at the end of ten years after this Act becomes effective no employee shall be continued in the civil service of the United States beyond the age of retirement defined in section 1

hereof for more than four years. (May 22, 1920, c. 195, § 6, 41 Stat 617)

See note to § 3287½, ante.

§ 3287½k. Application for retirement; when to be made—Every employee who is or hereafter becomes eligible for retirement because of age as provided in this Act, shall, within sixty days after its passage or thirty days before reaching the retirement age, or at any time thereafter, file with the Commissioner of Pensions, in such form as he may prescribe, an application for an annuity, supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received during such periods, as shown by the official records. Provided, however, That in the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 6 hereof, he or she may make application for retirement at any time within such period of continuance in the service; but nothing contained in this Act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service. (May 22, 1920, c 195, § 7, 41 Stat. 617)

See note to § 3287½, ante.

§ 3287½kk. Same; determination; certificate of retirement—Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior. (May 22, 1920, c. 195, § 7, 41 Stat. 618.)

See note to § 3287½, ante.

§ 3287½l. Commencement and duration of annuity—Annuities granted under this Act for retirement on account of age shall commence from the date of separation from the service on or after the date this Act shall take effect, and shall continue during the life of the annuitant Annuities granted for disability under the provisions of section 5 hereof shall be subject to the limitations specified in said section. (May 22, 1920, c. 195, § 7, 41 Stat. 618.)

See note to § 3287½, ante

§ 3287½ll. Deductions from salaries; amount; civil-service retirement and disability fund—Beginning on the first day of the third month next following the passage of this Act and monthly thereafter there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act applies a sum equal to 2½ per centum of such employee's basic salary, pay, or compensation The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act. (May 22, 1920, c. 195, § 8, 41 Stat. 618.)

See note to § 3287½, ante.

§ 3287½m. Investment of fund—The Secretary of the Treasury is hereby directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 11 of this Act. (May 22, 1920, c 195, § 8, 41 Stat. 618.)

See note to § 3287½, ante

§ 3287½mm. Contributions, donations, etc., to supplement contributions by employees—The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of this Act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees. (May 22, 1920, c. 195, § 8, 41 Stat 618)

See note to § 3287½, ante

§ 3287½n. Consent of employees to deductions deemed given—Every employee coming within the provisions of this Act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided in section 8 hereof, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he or she shall be entitled under the provisions of this Act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies. (May 22, 1920, c. 195, § 9, 41 Stat. 618.)

See note to § 3287½, ante.

§ 3287½nn. Transfer of employee from unclassified to classified status or reinstatement of former employee; deposit of deductions from salaries—Upon the transfer of any employee from an unclassified to a classified status, or upon the reinstatement of a former employee, credit for past service rendered subsequent to the date this Act shall take effect, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in this Act as would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service: Provided, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to the date this Act shall become operative, and to which he or she would otherwise be entitled. (May 22, 1920, c. 195, § 10, 41 Stat. 618.)

See note to § 3287½, ante

§ 3287½o. Return of deductions to employee on transfer from classified to unclassified status or separation from service or death of employee; records; application for return of deductions; rules and regulations—In the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom this Act applies who shall become absolutely separated from the service before becoming eligible for retirement on an

annuity, the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per centum per annum, compounded on June 30 of each fiscal year shall, upon application, be returned to such employee: Provided, That all moneys so returned to an employee must be redeposited with interest before such employee may derive any benefit under the provisions of this Act, upon reinstatement or retransfer to a classified position; and in case an annuitant shall die without having received in annuities an amount equal to the total amount of the deductions from his or her salary, pay, or compensation, together with interest thereon at 4 per centum per annum compounded as herein provided up to the time of his or her death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor; and in case an employee shall die without having reached the retirement age or without having established a valid claim for annuity, the total amount of deductions with accrued interest as herein provided shall be paid to the legal representatives of such employee: Provided, That if in case of death the amount of deductions to be paid under the provisions of this section does not exceed $300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made, after the expiration of three months from date of death, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person.

Each executive department, and each independent establishment of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay, or compensation of each employee within its jurisdiction to whom this Act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder. (May 22, 1920, c. 195, § 11, 41 Stat. 619, amended, Feb. 14, 1922, c. 51, § 1, 42 Stat. 364.)

This section was amended by act Feb. 14, 1922, c. 51, § 1, 42 Stat. 364, cited above, by adding thereto the three last paragraphs, as set forth above. See note to § 3287½, ante.

§ 3287½o(1). Refunds to members of United States park police force—The refund provided for in section 11 of the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended, shall be paid to all members of the United States park police force, who, on the date on which the provisions of this Act become effective are entitled to such refund, by reason of contributions previously made by them to the civil service retirement fund. (May 27, 1924, c. 199, § 8, 43 Stat. 176.)

This section is section 8 of an act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States park police force, and the fire department of the District of Columbia," cited above.

§ 3287½oo. Times for payment of annuities—Annuities granted under the terms of this Act shall be due and payable monthly on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments. (May 22, 1920, c. 195, § 12, 41 Stat 619)

See note to § 3287½, ante

§ 3287½p. Reports by heads of executive departments and independent establishments of names and grades of employees—It shall be the duty of the head of each executive department and the head of each independent establishment of the Government not within the jurisdiction of any executive department to report to the Civil Service Commission, in such manner as said commission may prescribe, the name and grade of each employee to whom this Act applies in or under said department or establishment who shall be at any time in a nonpay status, showing the dates such employee was in a nonpay status, and the amount of salary, pay, or compensation lost by the employee by reason of such absence. (May 22, 1920, c 195, § 13, 41 Stat. 619, amended, Feb 14, 1922, c. 51, § 2, 42 Stat 365)

This section and the two sections next following (Act May 22, 1920, c. 195, § 13) were amended by Act Feb 14, 1922, c 51, § 2, 42 Stat 365, cited above. This amendment consists in adding to the section next following (§ 3287½pp), after the words "necessary to the proper adjustment of any claim," the words "for annuity." See note to § 3287½, ante.

§ 3287½pp. Record by Commission of appointments, transfers, changes in grades, etc.—The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act, and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder, and shall prepare and keep all needful tables and records required for carrying out the provisions of this Act, including data showing the mortality experience of the employees in the service and the percentage of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this Act. (May 22, 1920, c. 195, § 13, 41 Stat. 619, amended, Feb. 14, 1922, c. 51, § 2, 42 Stat. 365.)

See note to § 3287½p, ante See, also, note to § 3287½, ante.

§ 3287½q. Report of Commissioner of Pensions—The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them. (May 22, 1920, c. 195, § 13, 41 Stat. 620, amended, Feb. 14, 1922, c. 51, § 2, 42 Stat. 365.)

See note to § 3287½p, ante. See, also, note to § 3287½, ante.

§ 3287½qq. Annuities not subject to assignment, execution, levy, or other legal process—None of the moneys mentioned in this Act shall be assignable, either in law or equity, or be subject to

execution, levy, or attachment, garnishment, or other legal process (May 22, 1920, c 195, § 14, 41 Stat 620)

See note to § 3287½, ante

§ 3287½r. Appropriation—There is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated, the sum of $100,000 for salaries and for clerical and other services, the purchase of books, office equipment, stationery, and other supplies, and all other expenses necessary in carrying out the provisions of this Act, including traveling expenses and expenses of medical and other examinations as provided in section 5 hereof (May 22, 1920, c. 195, § 15, 41 Stat 620)

See note to § 3287½, ante

§ 3287½rr. Estimates of appropriations necessary—The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue this Act in full force and effect. (May 22, 1920, c 195, § 15, 41 Stat 620)

See note to § 3287½, ante.

§ 3287½s. Board of actuaries; duties, etc.—The Commissioner of Pensions, with the approval of the Secretary of the Interior, is hereby authorized and directed to select three actuaries, one of whom shall be the Government actuary, to be known as the Board of Actuaries, whose duty it shall be to annually report upon the actual operations of this Act, with authority to recommend to the Commissioner of Pensions such changes as in its judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis. It shall be the duty of the Commissioner of Pensions to submit with his annual report to Congress the recommendations of the Board of Actuaries It shall be the duty of the Board of Actuaries to make a valuation of the "civil-service retirement and disability fund" at the end of the first year following the passage of this Act and at intervals of every five years thereafter, or oftener, if deemed necessary by the Commissioner of Pensions The compensation of the members of the Board of Actuaries, exclusive of the Government actuary, shall be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior. (May 22, 1920, c. 195, § 16, 41 Stat. 620.)

See note to § 3287½, ante

§ 3287½s(1). Actuaries—Retirement Act. To enable the Bureau of Pensions to perform the duties imposed upon it by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, including personal services, purchase of books, office equipment, stationery, and other supplies, traveling expenses, expenses of medical and other examinations, and including not to exceed $3,000 for compensation of two actuaries, exclusive of the Government actuary, to be fixed by the Commissioner of Pensions with the approval of the Secretary of the Interior, and actual necessary travel and other expenses of three members of the Board of Actuaries, $80,000 (June 5, 1924, c 264, 43 Stat. 414. March 3, 1925, c. 462, 43 Stat. 1164)

From the Interior Department appropriation act for the year 1926, cited above. A similar provision is contained in a prior act.

§ 3287½ss. Repeal—All laws and parts of laws inconsistent with this Act are hereby repealed. (May 22, 1920, c. 195, § 17, 41 Stat. 620.)

See note to § 3287½, ante.

§ 3287½t. Annuities to employees involuntarily separated from the service before reaching age of 70 years; deferred annuity; persons entitled to; deductions—Any employee fifty-five years of age or over to whom the Act of May 22, 1920, applies, who shall have served for a total period of not less than fifteen years and who, before reaching the retirement age as fixed in section 1 of said Act shall become involuntarily separated from the service, unless removed for cause on charges of misconduct or delinquency preferred against him, shall be granted an annuity certificate in the manner provided in section 7 of said Act which will entitle said employee, upon reaching retirement age, to an annuity as provided in section 2 thereof equal to the annuity he would have received upon such separation from the service had he been of full retirement age· Provided, That the deductions made under the provisions of section 8 of said Act of May 22, 1920, from such employee's salary, pay, or compensation prior to separation from the service shall remain in the "civil service retirement and disability fund" subject to the provisions of section 11 of said Act governing the return of deductions in the case of a deceased annuitant or employee. (May 22, 1920, c 195, amended, Sept. 22 1922, c. 428, § 1, 42 Stat. 1047)

This section, and the five sections next following, are an act entitled "An act to amend an act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920," cited above While these sections may technically be called an amendment to said Act May 22, 1920, c 195, they are rather in the nature of a supplement thereto The enacting clause of the amendatory act reads as follows "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled 'An Act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, is hereby amended as follows:" The amending sections are not inclosed in quotation marks.

§ 3287½tt. Same; immediate annuity in lieu of deferred annuity; conditions and computation—Any employee coming within the provisions of section 1 of this Act shall have the right to apply for an immediate annuity in lieu of deferred annuity at the age of retirement; and if otherwise entitled, such immediate annuity shall be granted under the following conditions·

If the employee is eligible for retirement upon reaching the age of seventy years, his immediate annuity is to be found by multiplying the annuity which he would receive were he then seventy years of age by the decimal 0 951945 raised to a power the exponent of which is the number of years his age at such separation from the service is less than seventy years

For mechanics, city and rural letter carriers, and post-office clerks, who are eligible for retirement at sixty-five years of age, the immediate annuity is found by deducting 47/900 of the annuity he would receive were he then sixty-five years of age for each year his age at such separation is less than sixty-five years.

For railway postal clerks, who are eligible for retirement at sixty-two years of age, the immediate annuity is to be found by deducting 47/630 of the annuity he would receive were he then sixty-two years of age for each year his age at separation is less than sixty-two years.

For the purpose of computing annuities as provided in this section fractional parts of a year in respect to the age of the applicant shall be disregarded (May 22, 1920, c. 195, amended, Sept. 22, 1922, c. 428, § 2, 42 Stat. 1047.)

See note to § 3287½t, ante

§ 3287½u. Same; effect of reemployment—In case such former employee be reemployed by the Government in a position affected by the provisions of the Act of May 22, 1920, the annuity certificate issued under the provisions of this Act shall be canceled and all rights and benefits under this Act shall terminate from and after the date of such reemployment. (May 22, 1920, c. 195, amended, Sept. 22, 1922, c. 428, § 3, 42 Stat. 1048)

See note to § 3287½t, ante.

§ 3287½uu. Same; application to employees separated from the service subsequent to Aug. 20, 1920—This Act shall include former employees coming within the provisions of the Act of May 22, 1920, who have been separated from the service subsequent to August 20, 1920, under the conditions defined in section 1 hereof: Provided, That in the case of an employee who has withdrawn from the "civil service retirement and disability fund" his deductions under the provisions of section 11 of the Act of May 22, 1920, such employee shall be required to return the amount so withdrawn with interest compounded at the rate of 4 per centum per annum before he shall be entitled to the benefits of this Act. (May 22, 1920, c. 195, amended, Sept 22, 1922, c. 428, § 4, 42 Stat. 1048.)

See note to § 3287½t, ante.

§ 3287½v. Employees continued in service without approval of Civil Service Commission or reemployed subsequent to retirement; credit for service, but no annuity; removal of suspension of annuity—Any employee otherwise entitled to the benefits of the Act of May 22, 1920, who, prior to the passage of this Act, has been continued in the service without the approval of the Civil Service Commission as provided in section 6 thereof, or, who has been reemployed in the civil service subsequent to retirement, shall be entitled to credit for such subsequent service and to receive salary, pay, or compensation therefor at the regular rates, but shall not be entitled to annuity covering the same time; and this Act shall operate as a direction to the Commissioner of Pensions to remove suspension of annuity in all such cases, and shall be warrant for the proper fiscal officer of the Government to make payment or adjustment of salary, pay, or compensation earned by such employee. (May 22, 1920, c 195, amended, Sept. 22, 1922, c 428, § 5, 42 Stat. 1048.)

See note to § 3287½t, ante.

§ 3287½vv. Disability retirement not affected—Nothing contained in this Act shall modify the provisions of section 5 of the Act of May 22, 1920. (May 22, 1920, c. 195, amended, Sept. 22, 1922, c. 428, § 6, 42 Stat 1048)

See note to § 3287½t, ante.

TITLE XIX A—OFFICIAL [AND PENAL] BONDS

§ 3301a. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit; return to depositor; contractors' bonds—Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond" with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a federal reserve bank, or other depositary duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor Provided, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works,'" shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof: Provided further, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: Provided further, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: And provided further, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect (June 2, 1924, 4:01 p. m., c 234, § 1029, 43 Stat 349.)

This section is § 1209 of Title X of the Revenue Act of 1924, cited above Section 1100 of the Revenue Act of 1924 repealed the corresponding provisions in § 1329 of the Revenue Act of 1921 (Act Nov. 23, 1921, c 136, § 1329, 42 Stat 318), which read as follows: "Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called 'penal bond,' with surety or sureties, such person may in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond The bonds or notes deposited hereunder, and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal Reserve bank, or other depositary duly designated for that purpose by the secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited, shall be returned to the depositor: Provided, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat. 811), entitled 'An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works,"' shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expira-

tion of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof Provided further, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond Provided further, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof And provided further, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect"

Said § 1329 of the Revenue Act of 1921 was a substitute for § 1320 of the Revenue Act of 1918, Act Feb 24, 1919, c 18, 40 Stat 1148, which was expressly repealed by § 1400 of the Revenue Act of 1921, which read as follows "Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called 'penal bond,' with surety or sureties, such person may in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond The acceptance of such United States bonds in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond The bonds deposited hereunder, and such other United States bonds as may be substituted therefor from time to time as such security, may be deposited with the Treasurer, or an Assistant Treasurer of the United States, a Government depository, Federal Reserve bank, or member bank, which shall issue receipt therefor, describing such bonds so deposited As soon as security for the performance of such penal bond is no longer necessary, such bonds so deposited, shall be returned to the depositor: Provided, That in case a person or persons supplying a contractor, with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat 811), entitled 'An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works," ' shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or proceeds subject to the order of the court having jurisdiction thereof: Provided further, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond. Provided further, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: And provided further, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect."

For Act Feb. 24, 1905, c 778, referred to in this section, see U. S. Comp St. 1918, § 6923.

TITLE XXI—SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS AND GROUNDS, PARKS AND RESERVATIONS

The District of Columbia appropriation act for the year 1923, Act June 29, 1922, c. 249, § 1, 42 Stat. 668, contains the following provisions:

"Annually, from and after July 1, 1922, 60 per centum of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per centum by the United States, excepting such items of expense as Congress may direct shall be paid on another basis, and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per centum on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927, and that beginning with July 1, 1922, and annually thereafter, one-half of the tax levied upon taxable real and personal property in the District of Columbia shall become due and payable on the first day of November of each year and the other half of such tax shall become due and payable on the first day of May of each year, and if either said installment of such tax shall not be paid within thirty days of the date it is due and payable, said installment shall thereupon be in arrears and delinquent, and there shall then be added, to be collected with such tax, a penalty at the rate of 1 per centum per month upon the amount thereof for the period of such delinquency, said delinquency to date from the date such installment was due and payable, and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law, and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money, and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per centum required of it, and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion to any rate not in excess of the rate imposed upon real estate) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made, and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out, and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made, and that from and after June 30, 1922 any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States, and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per centum of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the as-

sessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same, and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto, and that it, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do, and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this Act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as 'Miscellaneous Receipts,' but the revenues from the property known as Center Market shall not be so collected and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia

"A joint select committee, composed of three Senators to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein the business of the Government of the United States shall be considered by said committee And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other, shall be considered as bearing interest at the rate of 3 per centum per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all the matters hereby referred to it to the Senate and House, respectively, on or before the first Monday in February, 1923. The chairman or acting chairman of said committee hereby is empowered to administer oaths or affirmations. The committee also is empowered to compel witnesses to attend its meetings and to testify, and also to compel the production of such books and papers as it may deem desirable Any person who has been duly notified to appear before the committee either as witness or witness duces tecum, and fails so to do, shall be deemed guilty of contempt of Congress, and therefore may be punished to such extent as either the Senate or the House may determine, and said committee shall determine whether the proceeding for contempt shall lie with the House or the Senate. The committee may employ such accountants and stenographers to assist in the work as may be necessary, but the same qualifications for such accountants shall be required as was required of accountants by section 6 of the Act of June 20, 1874, entitled 'An Act for the government of the District of Columbia and for other purposes,' and no one shall be so employed as accountant who is or has been heretofore an officer or employee of the District of Columbia or the United States. No employee of said committee shall be paid more than $25 a day while actually at work. The Attorney General of the United States hereby is authorized and directed to assign a competent attorney from his regular force of attorneys to represent the United States before said committee; and any Member of Congress shall be permitted to examine any witness and argue any question before the committee. For the payment of salaries of accountants and stenographers, for printing and binding, and other necessary expenses of the committee, there is appropriated 40 per centum out of the Treasury of the United States and 60 per centum out of the revenues of the District of Columbia, the sum of $20,000, to be paid out upon vouchers approved by the chairman or acting chairman of the committee

"All Acts or parts of Acts in conflict with any provision of this Act are hereby repealed to the extent of such conflict but no further

"In order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per centum of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely," etc

The District of Columbia appropriation act for the year 1926, Act March 3, 1925, c. 477, § 1, 43 Stat 1210, contains the following

"In order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising, as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia Appropriation Act for the fiscal year 1923, namely" * *

Chapter A—Public Buildings and Grounds, Parks and Wharves

§§ 3308–3311.
See §§ 3329f-3329k, post.

§ 3311a. Washington aqueduct; superintendence by Secretary of War—Washington aqueduct * * Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law. (June 29, 1922, c. 249, § 1, 42 Stat. 709 Feb. 28, 1923, c. 148, § 1, 42 Stat. 1368. June 7, 1924, c. 302, § 1, 43 Stat. 575. March 3, 1925, c. 477, § 1, 43 Stat. 1248.)

From the District of Columbia appropriation act for the year 1926, cited above. A similar provision is contained in prior acts See, also, §§ 3329f-3329k, post.

§ 3312.
See §§ 3329f-3329k, post.

§ 3314.
See §§ 3329f-3329k, post.

§§ 3319-3322.
See §§ 3329f-3329k, post.

§ 3322a.
See §§ 3329f-3329k, post.

§ 3323.
See §§ 3329f-3329k, post.

§§ 3327, 3328.
The responsibility for the care, maintenance, etc, of the Department of Justice building, the Department of Commerce building, the Department of Labor building, the Civil Service Commission building, and the Interstate Commerce Commission building is transferred to the Superintendent of the State, War, and Navy buildings, by provisions in Act Feb. 13, 1923, c. 72, 42 Stat. 1227. See ante, §§ 566a, 872b, 986a, 3275aa, and post, § 8575a.

The responsibility for the care, maintenance, and protection of the Interior Department Building, the Pension Office Building, the Patent Office Building, and the General Land Office Building is transferred from the Secretary of the Interior to the superintendent of the State, War, and Navy Department Buildings, by a further provision of said Interior Department appropriation act for the year 1923, ante, § 680b.

For current appropriation for the deputy superintendent of the State, War, and Navy Department buildings and other personal services in the District of Columbia, in accordance with the Classification Act of 1923, see Act

March 3, 1925, c 468, § 1, 43 Stat. 1207. Section 2 of said act reads as follows·

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

See, also, §§ 3329f-3329k, post.

§ 3328a.

See §§ 3329f-3329k, post.

§ 3329.

See §§ 3329f-3329k, post.

§§ 3329a-3329c.

See §§ 3329f-3329k, post.

§ 3329cc. Superintendent of State, War, and Navy Department Building; distribution of employees—The Superintendent of the State, War, and Navy Department Building may from time to time alter the distribution among the various office buildings under his direction and control of the employees allowed by law as he may find it necessary and proper to do. (July 8, 1918, c 139, § 1, 40 Stat. 831)

From the deficiency appropriation act on account of war expenses for the year ending June 30, 1918, cited above See §§ 3329f-3329k, post

§ 3329d. Same; manufacture and sale of ice, electricity and steam to executive departments and independent establishments—The superintendent of the State, War, and Navy Department Buildings is hereby authorized to manufacture and sell at cost to the executive departments and independent establishments of the Government such quantities of ice, electricity, and steam as he may be able to manufacture or generate with the equipment that is available in the buildings under his supervision. (May 24, 1922, c. 199, 42 Stat. 554)

From the Interior Department appropriation act for the year 1923, cited above See §§ 3329f-3329k, post.

§ 3329e. Superintendent of State, War, and Navy Department Building; certain buildings of Treasury Department transferred to—On and after July 1, 1924, the Superintendent of the State, War, and Navy Department Buildings shall be responsible for the care, maintenance, and protection of the buildings known as Treasury Department Annex Numbered 2, located at Fourteenth and B Streets northwest, the Winder Building, located at Seventeenth and F Streets northwest, and the Cox Building, located at 1709 New York Avenue northwest, all in the city of Washington, District of Columbia, including the furnishing of heat, gas, and electricity therein; and any funds appropriated therefor, together with all machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1924, from the Secretary of the Treasury to the Superintendent of the State, War, and Navy Department Buildings. (April 4, 1924, c. 84, title I, 43 Stat. 66.)

From the Treasury and Post Office Departments appropriation act for the year 1925, cited above. See §§ 3329f-3329k, post

§ 3329f. Offices of Public Buildings and Grounds and superintendent of State, War, and Navy Department Buildings consolidated into office of Public Buildings and Public Parks of National Capital; Director of Public Buildings and Public Parks of National Capital selected from Corps of Engineers—The office of Public Buildings and Grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings are hereby consolidated into a single office and shall hereafter be designated as the office of Public Buildings and Public Parks of the National Capital. The superintendent of the State, War, and Navy Department Buildings and the officer in charge of Public Buildings and Grounds shall hereafter be designated as the Director of Public Buildings and Public Parks of the National Capital, and shall be assigned by the President from the officers of the Corps of Engineers for duty in this position as now provided by law for the officer in charge of Public Buildings and Grounds and the superintendent of the State, War, and Navy Department Buildings (Feb 26, 1925, c 339, § 1, 43 Stat. 983)

This section, and the five sections next following, are an act entitled "An act to consolidate the office of Public Buildings and Grounds under the Chief of Engineers, United States Army, and the office of superintendent of the State, War, and Navy Department Buildings," cited above

§ 3329g. Commission in charge of State, War, and Navy Department Building abolished; duties, etc., of commission and superintendent of such buildings transferred to Director—The commission in charge of the State, War, and Navy Department Building, established by the Act approved March 3, 1883, is hereby abolished and all powers and duties conferred and imposed by law upon such commission and the superintendent of the State, War, and Navy Department Buildings shall hereafter be exercised and performed by such director, under the general direction of the President of the United States. (Feb. 26, 1925, c. 339, § 2, 43 Stat. 983.)

See note to § 3329f, ante

§ 3329h. Office of Public Buildings and Grounds abolished; duties, etc., transferred to Director—The office of Public Buildings and Grounds, under the direction and control of the Chief of Engineers of the United States Army, is hereby abolished, and all authority, powers, and duties conferred and imposed by law upon the Secretary of War or upon the Chief of Engineers of the United States Army in relation to the construction, maintenance, care, custody, policing, upkeep, or repair of public buildings, grounds, parks, monuments, or memorials in the District of Columbia, together with the authority, powers, and all duties and powers conferred and imposed by law upon the officer in charge of public buildings and grounds, shall be held, exercised, and performed by the Director of Public Buildings and Public Parks of the National Capital, under the general direction of the President of the United States. (Feb 26, 1925, c. 339, § 3, 43 Stat. 983)

See note to § 3329f, ante.

§ 3329i. Officers and employees of consolidated offices to be officers and employees of office of Public Buildings and Public Parks of National Capital; records, papers, etc., transferred; appointment of officers and employees, etc., by Director; detail of army officers to assist Director—The officers and employees in the offices hereby consolidated shall become officers and employees of the office of Public Buildings and Public Parks of the National Capital without reappointment, and all official records, papers, files, furniture, supplies, and other property in use in or in the possession of the offices so consolidated are hereby transferred to the office hereby created. The director is authorized to appoint, in accordance with existing law, such officers and employees, and to incur such

expenses, as may be necessary for the proper administration of his office within the limits of the appropriations from time to time granted therefor There may be detailed to assist the director not to exceed two qualified officers of the United States Army not above the rank of major. (Feb 26, 1925, c. 339, § 4, 43 Stat. 983)

See note to § 3329f, ante

§ 3329j. Appropriations available for office of Public Buildings and Public Parks of National Capital—All unexpended balances of appropriations made for either of the activities hereby consolidated shall be available for expenditure by the office hereby established to the same extent and under the same conditions as such appropriations are available for the offices hereby consolidated. (Feb. 26, 1925, c. 339, § 5, 43 Stat. 984.)

See note to § 3329f, ante.

§ 3329k. Laws affected by act creating office of Public Buildings and Public Parks of National Capital—Nothing contained in this Act shall be held to modify existing law with respect to the assignment of space in the public buildings in the District of Columbia by the Public Buildings Commission or to modify sections 4 to 10, inclusive, of the Act approved May 27, 1924, relating to the United States park police, except as provided in section 3 of this Act. (Feb. 26, 1925, c. 339, § 6, 43 Stat. 984.)

See note to § 3329f, ante.

§ 3331b. Rentals for gas governors—Rentals shall not be paid for such gas governors greater than 35 per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. (Feb. 17, 1922, c. 55, 42 Stat. 388. Jan 3, 1923, c. 22, 42 Stat. 1109 April 4, 1924, c. 84, title I, 43 Stat. 83. Jan. 22, 1925, c. 87, title I, 43 Stat. 781.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 3331c. Inspection of gas and electric meters—Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, and Congressional Library Building and the grounds about the same, Coast and Geodetic Survey, the Union Station group of temporary housing, Botanic Garden, Senate garage, House garage, Maltby Building, and folding and storage rooms of the Senate, Government Printing Office, and Washington City post office; pay of superintendent of meters, at the rate of $1,940 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation. * * (March 20, 1922, c. 103, 42 Stat. 430. Feb. 20, 1923, c. 98, 42 Stat. 1273. June 7, 1924, c. 303, § 1, 43 Stat. 587. March 4, 1925, c. 549, § 1, 43 Stat. 1295.)

From the Legislative appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 3341.

Res. Feb. 28, 1925, c. 377, 43 Stat. 1091, reads as follows: "With a view to conserving in the White House the best specimens of the early American furniture and furnishings, and for the purpose of maintaining the interior of the White House in keeping with its original design the officer in charge of public buildings and grounds is hereby authorized and directed, with the approval of the President, to accept donations of furniture and furnishings for use in the White House. All such articles thus donated to become the property of the United States and to be accounted for as such.

"Sec. 2 The said officer in charge of public buildings and grounds is further authorized and directed, with the approval of the President, to appoint a temporary committee composed of one representative of the American Federation of Arts, one representative of the National Commission of Fine Arts, one representative of the National Academy of Design, one member of the American Institute of architects, and five members representing the public at large, the said committee to have full power to select and pass on the articles in question and to recommend the same for acceptance"

§ 3345a. Part of Washington aqueduct for play ground purposes—The Chief of Engineers is hereby authorized to transfer for playground purposes the possession, use and control of all that portion of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the existing fence around said pumping station to the control and jurisdiction of the Commissioners of the District of Columbia. (Aug. 31, 1918, c 164, § 1, 40 Stat 951.)

From the District of Columbia appropriation act for the year 1919, cited above Sec §§ 3329f-3329k, ante.

§ 3347.

See §§ 3329f-3329k, ante

§ 3350.

See §§ 3329f-3329k, ante.

§ 3351a. Jurisdiction of Highway Bridge transferred to Commissioners of District—Hereafter the jurisdiction and control of the Highway Bridge across the Potomac River, including appropriations and employees, shall be under the Commissioners of the District of Columbia. (Feb. 22, 1921, c. 70, § 1, 41 Stat 1117.)

From the District of Columbia appropriation act for the year 1922, cited above.

§ 3351b. Francis Scott Key Bridge—Georgetown Bridge, which shall hereafter be known as the Francis Scott Key Bridge, across Potomac River: * * Upon its completion the jurisdiction and control of the said bridge and approaches shall be under the Commissioners of the District of Columbia. (Feb. 28, 1923, c. 148, § 1, 42 Stat. 1338.)

From the District of Columbia appropriation act for the year 1924, cited above

§ 3351c. Use of appropriations for bridges—Appropriations hereafter made for the construction and repair of bridges shall be available for repairing, when necessary, any bridge carrying a public street over the right of way or property of any railway company, or for constructing, reconstructing, or repairing in such manner as shall in the judgment of the commissioners be necessary reasonably to accommodate public traffic, any bridge required to carry or carrying such traffic in a public street over the right of way or property of any canal company operating as such in the District of Columbia, on the neglect or refusal of such railway or canal company to do such work when notified and required by the commissioners, and the amounts thus expended shall be a valid and subsisting lien against the property of such railway company or of such canal company, and shall be collected from such railway company or from such canal company in the manner provided in section 5 of an Act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited in the Treasury to the credit of the United States and the District of Columbia in the manner provided by law. (June 7, 1924, c. 302, § 1, 43 Stat. 550.)

From the District of Columbia appropriation act for the year 1925, cited above.

§ 3353.

See §§ 3329f-3329k, ante.

§ 3353a. Park system; control by Chief of Engineers; traffic regulations—Nothing contained in the provision regarding the making and enforcing of regulations governing the speed of motor vehicles in the District of Columbia found in section 1 of the District of Columbia Act approved March 3, 1917, shall be construed to interfere with the exclusive charge and control heretofore committed to the Chief of Engineers over the park system of the District of Columbia, and he is hereby authorized and empowered

to make and enforce all regulations for the control of vehicles and traffic, and limiting the speed thereof on roads, highways, and bridges within the public grounds in the District of Columbia, under his control, subject to the penalties prescribed in the Act entitled "An Act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906. (June 5, 1920, c 235, § 1, 41 Stat 898)

From the sundry civil appropriation act for the year 1921, cited above See §§ 3329f-3329k, ante.

§ 3353b. Park and playground system; National Capital Park Commission—To preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive systematic, and continuous development of the park, parkway, and playground system of the National Capital, there is hereby constituted a commission, to be known as the National Capital Park Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the officer in charge of public buildings and grounds and the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives. At the close of each Congress the Presiding Officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator elect and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of committees of the succeeding Congress shall be chosen. The officer in charge of public buildings and grounds shall be the executive and disbursing officer of said commission. (June 6, 1924, c. 270, § 1, 43 Stat. 463)

This section, and the three sections next following, are an act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," cited above

§ 3353c. Same; acquisition of land by Commission—Said commission or a majority thereof is hereby authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. That said commission is hereby authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), the Chief of Engineers of the Army being, for the purposes of this Act, hereby clothed with all the power vested by the said Act of August 30, 1890, in the board created by that Act. Said commission is hereby authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States. (June 6, 1924, c. 270, § 2, 43 Stat. 463.)

See note to § 3353b, ante.

§ 3353d. Same; appropriation—There is authorized to be appropriated, each year hereafter, in the annual District of Columbia Appropriation Act, a sum not exceeding one cent for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army; that areas suitable for playground purposes may, in the discretion of said Commission, be assigned to the control of the Commissioners of the District of Columbia for playground purposes That the land so acquired outside the District of Columbia shall be controlled as determined by agreement between said commission and the proper officers of the States of Maryland and Virginia, such agreements to be subject to the approval of the President. (June 6, 1924, c. 270, § 3, 43 Stat. 463)

See note to § 3353b, ante

§ 3353e. Same; report to Congress; estimate for Bureau of Budget—Said commission shall report to Congress annually on the first Monday of December the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract. It shall also submit to the Bureau of the Budget on or before September 15 of each year its estimate of the total sum to be appropriated for expenditure under the provisions of this Act during the succeeding fiscal year. (June 6, 1924, c. 270, § 4, 43 Stat 464.)

See note to § 3353b, ante.

§§ 3355-3358.
See §§ 3329f-3329k, ante.

§ 3358a.
See §§ 3329f-3329k, ante.

§ 3360.
See §§ 3329f-3329k, ante

§ 3360a. Rock Creek Park and Piney Branch Parkway part of park system—Rock Creek Park and the Piney Branch Parkway are hereby made a part of the park system of the District of Columbia defined by section two of the Act of Congress approved July first, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page five hundred and seventy.) (July 1, 1918, c. 113, § 1, 40 Stat 650)

From the sundry civil appropriation act for the year 1919, cited above

§ 3361a.
See §§ 3329f-3329k, ante.

§ 3361c.
See §§ 3329f-3329k, ante.

§ 3363a. Anacostia Park—Anacostia River and Flats. For continuing the reclamation and development of the Anacostia River and Flats from the mouth of the river to the District line, * * That the entire area reclaimed and to be reclaimed from the mouth of the river to the District line be, and the same is hereby, made and declared a part of the park system of the District of Columbia and designated Anacostia Park: * * (Aug. 31, 1918, c. 164, § 1, 40 Stat. 950, 951)

This section is a provision accompanying an appropriation for the reclamation and development of certain por-

tions of the Anacostia River and Flats in the District of Columbia appropriation act for the fiscal year 1919, cited above

§ 3363b. Glover Parkway and Children's Playground—That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to accept the land lying along Foundry Branch between Massachusetts Avenue and Reservoir Street, dedicated by Charles C Glover for park purposes, and containing approximately seventy-seven and one-half acres, as more accurately shown on map Number 1003, filed in the office of the surveyor of the District of Columbia, which tract of land shall be known as "The Glover Parkway and Children's Playground"; and the said commissioners are further authorized to accept any dedications of additional land contiguous to this tract for park purposes. (June 6, 1924, c. 271, § 1, 43 Stat. 464)

This section, and the section next following, are an act entitled "An act to authorize the Commissioners of the District of Columbia to accept certain land in the District of Columbia dedicated by Charles C Glover for park purposes," cited above.

§ 3363c. Same; part of park system of District—The Glover Parkway and Children's Playground and additions thereto, when acquired, shall become a part of the park system of the District of Columbia. (June 6, 1924, c. 271, § 2, 43 Stat 464)

See note to § 3363b, ante.

§ 3369aa. Public Buildings Commission; members; powers and duties—With a view to the control and allotment of space in owned or leased Government buildings in the District of Columbia, a Public Buildings Commission is hereby created to be composed of two Senators to be appointed by the President of the Senate and two Members of the House of Representatives to be appointed by the Speaker, who shall serve thereon only so long as they are Members of Congress, and the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office. Said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary.

Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

Said commission shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia, with the exception of the Executive Mansion and office of the President, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building, and shall from time to time assign and allot, for the use of the several activities of the Government, all such space.

For expenses of said commission, $10,000, to be immediately available and remain available until expended and to be paid out on vouchers signed by the chairman of said commission. (March 1, 1919, c. 86, § 10, 40 Stat. 1269.)

This section is section 10 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, cited above.

See U. S. Comp. St. 1918, § 3369a.

§ 3369c. Free tuition in schools for children of officers and men of Army and Navy—The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition. (June 29, 1922, c. 249, § 1, 42 Stat. 689 Feb. 28, 1923, c. 148, § 1, 42 Stat. 1347. June 7, 1924, c. 302, § 1, 43 Stat. 558. March 3, 1925, c. 477, § 1, 43 Stat. 1233)

From the District of Columbia appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

§ 3369e. Government fuel yards—The Secretary of the Interior is authorized and directed to establish in the District of Columbia storage and distributing yards for the storage of fuel for the use of and delivery to all branches of the Federal service and the municipal government in the District of Columbia and such parts thereof as may be situated immediately without the District of Columbia and economically can be supplied therefrom, and to select, purchase, contract for, and distribute all fuel required by the said services Authority is granted the Secretary of the Interior, in connection with the establishment of the said yards, to procure by purchase, requisition for immediate use, condemnation, or lease for such period as may be necessary, land, wharves, and railroad trestles and sidings requisite therefor. All branches of the Federal service and the municipal government in the District of Columbia, from and after the establishment of the said fuel yards, shall purchase all fuel from the Secretary of the Interior and make payment therefor from applicable appropriations at the actual cost thereof to the United States, including all expenses connected therewith (July 1, 1918, c. 113, § 1, 40 Stat 672)

From the sundry civil appropriation act for the year 1919, cited above

§ 3369e(1). Same; naval establishment excepted—Hereafter the provisions of the Sundry Civil Act, approved July 1, 1918, providing for the establishment of a government fuel yard in the District of Columbia, shall not apply to the fuel required for the Naval Establishment, except the naval hospital, in the District of Columbia. (July 11, 1919, c. 9, 41 Stat. 148.)

From the Naval appropriation act for the year 1920, cited above

§ 3369e(2). Same; exchange of motor vehicles—Authority is hereby granted to the Secretary of the Interior to exchange, as part consideration in the purchase of new equipment, motor vehicles and any other equipment used by said fuel yards. (July 19, 1919, c. 24, § 1, 41 Stat. 200.)

From the sundry civil appropriation act for the year 1920, cited above.

§ 3369e(3). Same; use of trucks of to haul sand, gravel, stone, etc.—Hereafter the Secretary of the Interior may have sand, gravel, stone, and other material hauled for the municipal government of the District of Columbia and for branches of the Federal service in the District of Columbia, whenever it may be practicable and economical to have such work performed by using trucks of the Government fuel yards not needed at the time for the hauling of fuel. Payment for such work shall be made on the basis of the actual cost to the Government fuel yards. (June 5, 1920, c. 235, § 1, 41 Stat. 913.)

From the sundry civil appropriation act for the year 1921, cited above.

§ 3369e(4). Disposition of proceeds of sale of fuel—All moneys received from the sales of fuel shall be credited to this appropriation and be available for the purposes of this paragraph. (Jan. 24, 1923, c. 42, 42 Stat. 1211. June 5, 1924, c. 264, 43 Stat. 422. March 3, 1925, c. 462, 43 Stat. 1176)

From the Interior Department appropriation act for the year 1926, cited above, accompanying an appropriation for the operating expenses of the fuel yard.

§ 3369e(5). Appropriations for fuel yard; use of—All appropriations herein and hereafter made for the maintenance and operation of the fuel yard mentioned may also be used and expended for the pur-

chase or condemnation of land for fuel yard and garage purposes as well as for the construction of a garage building thereon, as above provided for, and shall continue available for those purposes until expended: Provided, however, That no moneys expended for those purposes shall be considered as expenditures to be returned to such appropriations * * * And provided also, That the Department of the Interior shall from applicable appropriations reimburse said appropriations for its proportionate share of the expenses of maintaining and operating the garage mentioned (Jun. 24, 1923, c 42, 42 Stat 1211.)

From the Interior Department appropriation act for the year 1924, cited above, accompanying appropriations for the maintenance of the fuel yard and for the purchase of additional land for the yard and for the erection of a garage thereon

§ 3369e(6). Payments by branches of Federal service and District of Columbia municipal government for fuel furnished—Hereafter the various branches of the Federal service and the municipal government in the District of Columbia shall make payment of accounts rendered against them by the Government fuel yard for fuel furnished them by depositing the proper amount directly to the credit of the Treasurer of the United States for the credit of the appropriation "Maintenance and operation, United States Government fuel yard," and duplicate certificates of deposits issued therefor shall be promptly forwarded by the depositors to the Government fuel yard. (Jan 24, 1923, c 42, 42 Stat 1211)

From the Interior Department appropriation act for the year 1924, cited above

§ 3369ee. Appropriation for fuel; use—For the purchase and transportation of fuel, storing and handling fuel in yards, maintenance and operation of yards and equipment, including motor-propelled passenger-carrying vehicles for inspectors, rentals, and all other expenses requisite for and incident thereto, including personal services in the District of Columbia, $1,154,088, to be available immediately * * * Provided further, That no part of any moneys herein or hereafter appropriated shall be used for the purpose of taking over or in any way interfering with the yards or coal dumps or other facilities for storage and distribution of coal that have been used and occupied in the past year by coal dealers for supplying the general public. (July 1, 1918, c 113, § 1, 40 Stat. 673)

From the sundry civil appropriation act for the year 1919, cited above

§ 3369ee(1). Delivery of coal for use during ensuing fiscal year—Hereafter the Secretary of the Interior is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year. (June 5, 1920, c. 235, § 1, 41 Stat. 913.)

From the sundry civil appropriation act for the year 1921, cited above.

§ 3369eee. Appropriation for fuel; contracts in advance of—The Secretary of the Interior is authorized to contract for the purchase of fuel for the government fuel yard in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current year. (July 19, 1919, c. 24, § 1, 41 Stat. 200)

From the sundry civil appropriation act for the year 1920, cited above.

§ 3369f. Motor vehicles and horse-drawn vehicles; use and supervision of; purchase or exchange—All of said motor vehicles and all other motor vehicles provided for in this Act and all horse-drawn carriages and buggies owned by the District of Columbia shall be used only for purposes directly pertaining to the public services of said District, and shall be under the direction and control of the commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act: Provided, That with the exception of motor vehicles for the police and fire departments, no automobile shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding $650 except as may be herein specifically authorized No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia. (June 29, 1922, c 249, § 1, 42 Stat 676. Feb 28, 1923, c. 148 § 1, 42 Stat. 1333 June 7, 1924, c. 302, § 1, 43 Stat. 543 March 3, 1925, c. 477, § 1, 43 Stat 1220)

From the District of Columbia appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 3369g. Home for Aged and Infirm; sale of surplus products of—Hereafter the commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the Home for the Aged and Infirm All moneys derived from such sales shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institution are paid from the Treasury of the United States and the revenues of the District of Columbia (June 5, 1920, c. 234, § 1, 41 Stat 865)

From the District of Columbia appropriation act for fiscal year 1921, cited above

§ 3369h. Workhouse and reformatory; sale of surplus products of—Hereafter the commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the workhouse and the reformatory. All moneys derived from such sales shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institutions are paid from the Treasury of the United States and the revenues of the District of Columbia. (June 5, 1920, c 234, § 1, 41 Stat 869.)

From the District of Columbia appropriation act for the year 1921, cited above.

§ 3369i. Per diem employees and day laborers; leave of absence—Hereafter all per diem employees and day laborers of the District of Columbia who have been regularly employed for fifteen working days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, shall be granted such leave of absence with pay as is granted the regular annual employees of the District of Columbia for said legal holidays. (June 5, 1920, c. 234, § 7, 41 Stat. 873.)

This section is § 7 of the District of Columbia appropriation act for the fiscal year 1921, cited above

Chapter B—Capitol Building and Grounds

§ 3370.

See post, §§ 3370a, 3370aa.

§ 3370a. Title of Superintendent of Capitol Building and Grounds changed to Architect of The Capitol—The title of "Superintendent of the Capitol Building and Grounds" is hereby changed to "Architect of the Capitol," but this change shall not

affect the status of the present incumbent or require his reappointment (March 3, 1921, c. 124, § 1, 41 Stat. 1291.)

From the legislative, executive, and judicial appropriation act for the year 1922, cited above

§ 3370aa. Office of Architect of the Capitol—The following positions and annual (except where specified otherwise) rates of compensation are hereby established: * * *

Architect of the Capitol, $6,000, chief clerk and accountant, $3,150; civil engineer, $2,770, construction draftsman, $2,360; two clerks, at $1,520 each; laborers—two at $1,010 each, two at $950 each; forewoman of charwomen, $760; twenty-one charwomen, at $410 each, forty-eight elevator conductors, at $1,520 each (May 24, 1924, c. 183, § 1, 43 Stat 149)

This section is a part of § 1 of an act entitled "An act to fix the compensation of officers and employees of the Legislative Branch of the Government," cited above Section 2 of this act provides that the act shall take effect July 1, 1924 For current appropriation for the office of the Architect of the Capitol see Act March 4, 1925, c. 549, § 1, 43 Stat 1295.

§ 3384a. House Office Building; assignment of rooms—The assignment of rooms in the office building of the House of Representatives, which shall hereafter be designated as the House Office Building, heretofore made by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of this resolution, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a member or member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of this resolution, and no Representative shall allow his office room to be used for any other purpose. (May 28, 1908, No. 30, § 1, 35 Stat. 578)

This section, and the seven sections next following, are a resolution entitled a "Joint Resolution relating to the assignment of space in the House Office Building," cited above

§ 3384b. Same; vacant rooms; assignment—Any member or member-elect of the House of Representatives may file with the Superintendent of the Capitol Building and Grounds a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a member and member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request. (May 28, 1908, No. 30, § 1, 35 Stat. 578)

See note to § 3384a, ante.

§ 3384bb. Same; vacant rooms; withdrawal of request for assignment; relinquishment of rooms previously assigned—A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him the room previously assigned to him. (May 28, 1908, No. 30, § 1, 35 Stat. 578.)

See note to § 3384a, ante.

§ 3384c. Same; exchange of rooms—Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both members making the exchange shall remain continuously members or members-elect of the House of Representatives (May 28, 1908, No 30, § 1, 35 Stat. 578.)

See note to § 3384a, ante

§ 3384d. Same; record of assignment of rooms, etc.—The Superintendent of the Capitol Building and Grounds shall keep a record of the assignment of rooms heretofore or hereafter made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House. (May 28, 1908, No. 30, § 1, 35 Stat 579)

See note to § 3384a, ante

§ 3384e. Same; assignment of rooms to Delegates and Commissioners from Porto Rico and Philippine Islands—In the matter of the assignment of rooms under this resolution, Delegates in Congress and the Commissioners from Porto Rico and the Philippine Islands shall be treated the same as Representatives (May 28, 1908, No 30, § 1, 35 Stat. 579.)

See note to § 3384a, ante.

§ 3384f. Same; assignment, etc., of rooms; control of by House—The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in this resolution shall be construed to affect or repeal the provisions of law heretofore enacted placing said House Office Building under the control of the Superintendent of the Capitol Building and Grounds, subject to the approval and direction of the Commissions provided for respectively in the Act of March third, nineteen hundred and three, and the Act of March fourth, nineteen hundred and seven. (May 28, 1908, No. 30, § 1, 35 Stat. 579)

See note to § 3384a, ante

§ 3384g. Same; assignment of unoccupied space—Unoccupied space in said building shall be assigned by the Superintendent of the Capitol Building and Grounds under the direction of the Commission and subject to the control of the House of Representatives (May 28, 1908, No. 30, § 1, 35 Stat. 579.)

See note to § 3384a, ante.

§ 3385a. Capitol power plant; transfer of material and equipment to—The Secretary of War is authorized to transfer, without payment, to the Superintendent, United States Capitol Buildings and Grounds, such material and equipment, not required by the War Department, as the Superintendent may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings. (June 5, 1920, c. 253, § 1, 41 Stat. 1035.)

From the third deficiency appropriation act for the year 1920, cited above.

§ 3407a. Capitol police—The following positions and annual (except where specified otherwise) rates of compensation are hereby established: * *

Capitol Police. Captain, $2,150; three lieutenants, at $1,520 each; two special officers, at $1,520 each; three sergeants, at $1,410 each; forty-four privates, at $1,360 each. (May 24, 1924, c. 183, § 1, 43 Stat. 149.)

This section is a part of § 1 of an act entitled "An act to fix the compensation of officers and employees of the Legislative Branch of the Government," cited above. Section 2 of this act provides that the act shall take effect July 1, 1924.

The Legislative appropriation act for the year 1926, Act

March 4 1925, c 549, § 1, 43 Stat 1294, contains the following: "Capitol police. Salaries: Captain, $2,150; three lieutenants, at $1,620 each, two special officers, at $1,520 each, three sergeants, at $1,410 each, forty-four privates, at $1,360 each, one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House," * *

See, also, Act March 20, 1922, c 103, 42 Stat. 429, Act Feb 20, 1923, c. 98, 42 Stat 1272, and June 7, 1924, c 303, § 1, 43 Stat 586, relating to the Capitol police.

§ 3417.

For current appropriation for the Botanic Garden in accordance with the Classification Act of 1923 see Act March 4, 1925, c 549, § 1, 43 Stat. 1296. Section 3 of said act reads as follows.

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

TITLE XXIII—THE TERRITORIES AND INSULAR POSSESSIONS

Chapter One—Provisions Common to All the Territories

§ 3489a. Real estate held by religious societies; for what purposes held; trustees—All religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation. (March 3, 1887, c. 397, § 26, 24 Stat. 641.)

This section is section 26 of an act entitled "An act to amend an act entitled 'An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March twenty-second, eighteen hundred and eighty-two," cited above.

Chapter Three A—Alaska

§ 3545.

For increase of salary of Delegate in Congress see ante, § 36

§ 3564. District court; judges; divisions; officers—There is hereby established a district court for the District of Alaska, with the jurisdiction of district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and four district judges shall be appointed for the district, each at an annual salary of $7,500, who shall during their terms of office reside in the divisions of the district to which they may be respectively assigned by the President. The court shall consist of four divisions, which shall also be recording divisions.

Division numbered one shall consist of all that part of the District of Alaska lying east of the one hundred and forty-first meridian of west longitude.

Division numbered two shall consist of all that territory lying west of a line commencing on the Arctic coast at the one hundred and forty-eighth meridian, thence extending south along the easterly watershed of the Colville River to a point on the Rocky Mountain divide between the headwaters of Colville River on the north and west and the waters of the Chandlar River on the south, thence southwesterly along the divide between the waters of the Colville River, Kotzebue Sound, and Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude, thence along said meridian to a point midway between the Yukon River and the Kuskokwim River, thence southwesterly to the point of intersection of the sixty-first parallel of north latitude with the shore of Bering Sea, the said division to include all the islands lying north of the fifty-eighth parallel of north latitude and west of the one hundred and forty-eighth meridian of west longitude, excepting Nelson Island, all islands in Kuskokwim Bay, all islands in Bristol Bay, and all islands in the Gulf of Alaska, north of the fifty-eighth parallel of north latitude

Division numbered three shall consist of all that territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude, thence northerly along said meridian to a point due east from Mount Kimball; thence west to the summit of Mount Kimball; thence southwesterly along the southerly watershed of the headwaters of Tanana River; thence westerly along the divide between the waters of the Gulf of Alaska on the south and the waters of the Yukon on the north to the summit of Mount McKinley, thence continuing southwesterly along the divide between the waters of the Kuskokwim River and Bay on the north and west and the Gulf of Alaska and Bristol Bay on the south to the westerly point of Cape Newenham; the said division to include the Alaska Peninsula, the Aleutian and Pribilof Islands, and all islands along and off the coast of this division, between Cape Newenham and the point where the one hundred and forty-first meridian, west longitude, intersects the northern line of the territory.

Division numbered four shall consist of that part of the district of Alaska lying east of the second division and north of the third division, and all islands along the north coast of said division, east of the one hundred and forty-eighth meridian of west longitude, also Nelson Island and all islands in Kuskokwim Bay.

One general term of court shall be held each year at Juneau, and such additional terms at other places in the first division as the Attorney General may direct. One general term of court shall be held each year at Nome, and such additional terms at other places in the second division as the Attorney General may direct. One general term of court shall be held each year at Valdez, and such additional terms at other places in the third division as the Attorney General may direct. One general term of court shall be held each year at Fairbanks, and such additional terms at other places in the fourth division as the Attorney General may direct. Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court at such times and places in their respective districts as any of them, respectively, may deem

expedient, or as the Attorney General may direct, and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court and to employ an official court stenographer at such compensation as shall be fixed by the Attorney General At least thirty days' notice shall be given by the judge, or the clerk, of the time and place of holding the several terms of the court (June 6, 1900, c 786, § 4, 31 Stat 322, amended, March 3, 1909, c 269, § 2, 35 Stat. 839, and March 2, 1921, c. 110, 41 Stat. 1203)

For this section prior to the amendment by Act March 2, 1921, c 110, see U S Comp. St. 1918, § 3564

§ 3572.

For current appropriation for the judges and officers of the territorial courts, see act Feb 27, 1925, c 364, title II, 43 Stat. 1029.

§ 3572a. Payment of office expenses of United States marshals—Hereafter the Attorney General shall pay the office expenses of United States marshals in the District of Alaska from the appropriation, "Salaries, fees, and expenses of United States marshals and their deputies" * * (June 1, 1922, c. 204, title II, 42 Stat. 615. Jan 3, 1923, c. 21, title II, 42 Stat 1083)

From the State, Justice, and Judiciary appropriation act for the year 1924, cited above, repeated from the same appropriation act for the year 1923

§ 3593b. Railroads; cost of work; appropriation—The cost of the work authorized by this Act shall not exceed $35,000,000, and in executing the authority granted by this Act the President shall not expend nor obligate the United States to expend more than the said sum; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be used for carrying out the provisions of this Act, to continue available until expended: Provided, That in order to complete on or before December 31, 1922, the construction and equipment of the railroad between Seward and Fairbanks, together with necessary sidings, spurs, and lateral branches, the additional sum of $17,000,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended. Provided further, That in order to complete the construction and equipment of the railroad between Seward and Fairbanks, together with necessary sidings, spurs, and lateral branches, there is hereby authorized to be appropriated, in addition to all sums heretofore appropriated therefor, the sum of $4,000,000, to be immediately and continuously available until expended. (March 12, 1914, c. 37, § 2, 38 Stat. 307, amended, Oct. 18, 1919, c. 76, 41 Stat. 293, and Nov. 18, 1921, c. 128, 42 Stat. 221.)

This section was amended by Act Oct. 18, 1919, c 76, 41 Stat 307, cited above, by adding the proviso. It was again amended by Act Nov. 18, 1921, c 128, cited above, by adding the second proviso, as set forth above.
For current appropriation for the Alaska railroad see Act March 3, 1925, c. 462, 43 Stat. 1182.

§ 3594b. Roads, bridges, and trails; obligations in advance of appropriations—Hereafter when an appropriation for this purpose for any fiscal year shall not have been made prior to the 1st day of March preceding the beginning of such fiscal year, the Secretary of War may authorize the Board of Road Commissioners to incur obligations for this purpose of not to exceed 75 per centum of the appropriation for this purpose for the fiscal year then current, payment of these obligations to be made from the appropriation for the new fiscal year when it becomes available. (Feb. 12, 1925, c. 225, title II, 43 Stat. 930.)

From the War Department appropriation act for the year 1926, cited above.

§ 3602a. Roads and trails; estimates for work on—Hereafter, so long as the construction and maintenance of "Military and Post" Roads in Alaska, and of other roads, bridges, and trails in that Territory shall remain under the direction of the Secretary of War, he be authorized to submit such estimates for the consideration of Congress as are in his judgment necessary for a proper prosecution of the work (July 9, 1918, c. 143, 40 Stat. 863)

From the Army appropriation act for the year 1919, cited above

§ 3602b. Same; contributions for construction, etc.—The Secretary of War is hereby authorized to receive from the Territory of Alaska, or other source, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of construction, repair, and maintenance of roads, bridges, ferries, trails, and related works in the Territory of Alaska, and to cause such funds to be deposited to the credit of the Treasurer of the United States, and to expend the same in accordance with the purpose for which they were contributed. (June 30, 1921, c. 33, § 1, 42 Stat. 90.)

From the Army appropriation act for the year 1922, cited above.

§ 3609a. Vocational training for aboriginal natives; schools, etc.—The Secretary of the Interior is hereby authorized to establish a system of vocational training for the aboriginal native people of the Territory of Alaska, and to construct and maintain suitable buildings for schools and dormitories and hospitals in such localities within the Territory of Alaska as he may select. (Feb. 25, 1925, c. 320, § 1, 43 Stat. 978)

This section, and the section next following, are an act entitled "An act for the establishment of industrial schools for Alaskan native children, and for other purposes," cited above.

§ 3609b. Same; buildings assigned to Bureau of Education by Secretary of Interior—The Secretary of the Interior is hereby instructed to assign to the Bureau of Education any unoccupied buildings in Alaska which are in his custody at abandoned military posts or any other buildings controlled by the Department of the Interior, for use by the Bureau of Education as industrial schools or hospitals that are held by him to be necessary or suitable for such purposes; and the Secretary of War is hereby authorized to transfer to the Secretary of the Interior any unoccupied buildings in Alaska that in the opinion of the Secretary of War may be dispensed with by the War Department, to be used for industrial school or hospital purposes that are held by him to be necessary or suitable for such purposes: Provided, That the Secretary of the Interior is hereby authorized to dismantle and remove any of the aforementioned buildings to such locations as may be decided upon for the erection of industrial schools. (Feb. 25, 1925, c. 320, § 2, 43 Stat. 978.)

See note to § 3609a, ante.

§ 3611a. Insane persons; persons admitted to hospitals—Patients who are not indigent may be admitted to the hospitals for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. (May 24, 1922, c. 199, 42 Stat. 584. Jan. 24, 1923, c. 42, 42 Stat. 1205. June 5, 1924, c. 264, 43 Stat. 427. March 3, 1925, c. 462, 43 Stat. 1181.)

From the Interior Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 3611aa. Insane persons; return to places of legal residence; investigation as to advisability of establishing institution for insane—So much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence

of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, so soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person: Provided further, That the Secretary of the Interior is hereby authorized and instructed to conduct investigation and report to the Congress on the advisability of establishing an institution for the insane within the Territory of Alaska or in the United States, to present estimates of the cost of such institution, the maintenance of insane persons, and the utilization of any abandoned military post or other property of the United States for an asylum for the insane. (March 3, 1925, c. 462, 43 Stat 1181)

From the Interior Department appropriation act for the year 1926, cited above, accompanying an appropriation for the insane of Alaska

§ 3613a. Reindeer; sale of males—The Commissioner of Education is authorized to sell such of the male reindeer belonging to the Government as he may deem advisable and to use the proceeds in the purchase of female reindeer belonging to missions and in the distribution of reindeer to natives in those portions of Alaska in which reindeer have not yet been placed and which are adapted to the reindeer industry. (May 24, 1922, c 199, 42 Stat 584. Jan 24, 1923, c. 42, 42 Stat 1205. June 5, 1924, c 264, 43 Stat. 427 March 3, 1925, c 462, 43 Stat. 1181.)

From the Interior Department appropriation act for the year 1926, cited above The same provision is contained in prior acts.

§ 3621a. Powers of bird reservation wardens—Hereafter the wardens and other officers heretofore or hereafter appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under control of the department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by the Alaska game law of May 11, 1908 (Thirty-fifth Statutes at Large, page 102), and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska. (May 31, 1920, c 217, 41 Stat. 717.)

From the agricultural appropriation act for the year 1921, cited above.

§ 3621aa. Game; powers of Governor transferred to Secretary of Agriculture—On and after July 1, 1924, the powers and duties heretofore conferred upon the Governor of Alaska by existing law for the protection of wild game animals and wild birds in Alaska are hereby conferred upon and shall be exercised by the Secretary of Agriculture; and all money available or appropriated in any Act for the fiscal year ending June 30, 1925, for carrying into effect the Act approved May 11, 1908, entitled "An Act for the protection of game in Alaska and for other purposes," including salaries, traveling expenses of game wardens and all other necessary expenses, is hereby transferred to the credit of the Department of Agriculture to be expended by the Secretary of Agriculture for such purposes. (June 7, 1924, c. 376, 43 Stat. 668.)

This section is a resolution entitled a "Joint Resolution to provide that the powers and duties conferred upon the Governor of Alaska under existing law for the protection of wild game animals and wild birds in Alaska be transferred to and be exercised by the Secretary of Agriculture," cited above.

ALASKA GAME LAW

§ 3621aa-1. Short title of act—This Act shall be known by the short title of the "Alaska Game Law." (Jan. 13, 1925, c 75, § 1, 43 Stat. 739)

This section, and the 17 sections next following, are an act entitled "An act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds, in Alaska, and for other purposes," cited above

§ 3621aa-2. Definitions—For the purposes of this Act the following shall be construed, respectively, to mean.

Commission: The Alaska Game Commission:

Territory Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Take Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, land fur-bearing animals, game or nongame birds, attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals or birds, or setting or using a net, trap or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires Whenever the taking of animals, birds or nests or eggs of birds is permitted, reference is had to taking by lawful means and in lawful manner.

Open season· The time during which birds or animals may lawfully be taken Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season: The time during which birds and animals may not be taken.

Transport· Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals. Deer, moose, caribou, elk, mountain sheep, mountain goat, and the large brown and grizzly bears, which shall be known as big game.

Land fur-bearing animals: Beaver, muskrat, marmot, ground squirrel (spermophiles), fisher, fox, lynx, marten or sable, mink, weasel or ermine, land otter, wolverine, polar bear and black bear including its brown and blue (or glacier bear) color variations.

Game birds: Migratory waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, sandpipers, snipe, little brown cranes, and curlew, and the several species of grouse and ptarmigan, which shall be known as small game

Nongame birds: All wild birds except game birds. (Jan. 13, 1925, c. 75, § 2, 43 Stat. 739.)

See note to § 3621aa-1, ante.

§ 3621aa-3. Application and construction—For the purposes of this Act a citizen of the United States who has been domiciled in the Territory not less than one year for the purpose of making his permanent home therein, or a foreign-born person not a citizen of the United States who has declared his intention to become a citizen of the United States, and has been domiciled in the Territory for a like period and purpose, shall be considered a resident, but if such a foreign-born person shall not have been admitted to citizenship within seven years from the date he declared his first intention to become a citizen, he shall thereafter be deemed to be an alien until admitted to citizenship. A foreign-born person not a citizen of the United States who has not declared his intention to become a citizen of the United States, or who has not resided in the Territory for at least one year after having declared such intention, shall be considered an alien.

If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered (Jan 13, 1925, c. 75, § 3, 43 Stat 740)

See note to § 3621aa–1, ante

§ 3621aa–4. Alaska Game Commission—A commission to be known as the "Alaska Game Commission" is hereby created The commission shall consist of five members, four of whom shall be appointed by the Secretary of Agriculture within sixty days after the passage of this act, one member from each of the four judicial divisions of the Territory, each of whom shall be a resident citizen of the district from which he is appointed, and shall before his appointment have been for five years a resident of Alaska and shall not be a Federal employee, and all of whom shall serve until June 30 next following and thereafter one to serve one year, one to serve two years, one to serve three years, and one to serve four years, as the members of the commission may determine by lot, and thereafter their successors to be appointed in like manner to serve for four years unless sooner removed The fifth member shall be the chief representative of the Bureau of Biological Survey resident of Alaska, who shall be the executive officer and fiscal agent of the commission and under the direction of the commission shall direct the administration of the provisions of this Act and disburse such sums as may be allotted therefor The Secretary of Agriculture may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges the Secretary may suspend such commissioner. The Secretary of Agriculture shall fill vacancies on the commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed.

The members of the commission, other than the executive officer, shall receive no compensation for their services as members thereof, except a per diem of $10 for each member for each day going to and from and in actual attendance at meetings of the commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of $1,500, and that of any of the other members, except the executive officer, the sum of $900 in any one fiscal year, and each such member in addition shall have reimbursed to him in any one fiscal year for actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties a sum not to exceed the maximum amount allowed him for salary, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of Agriculture, payable from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Bureau of Biological Survey in the Territory as the Secretary of Agriculture may designate.

The commission shall maintain and have its principal office in the capital of the Territory. The members of the commission shall meet at such principal office immediately following their appointment at a time designated by the Secretary of Agriculture, and shall organize by electing one member chairman and one member secretary, and shall determine by lot the terms of the members, other than the term of the executive officer

A majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission The commission shall have an official seal. (Jan 13, 1925, c. 75, § 4, 43 Stat. 740.)

See note to § 3621aa–1, ante

§ 3621aa–5. Duties and powers of the Commission, wardens, and officers—The commission shall have authority to employ and remove game wardens, deputies, clerks, and such other assistants as may be necessary, to fix their periods of service and compensation, to rent quarters, and to incur other expenses, including printing, necessary for the enforcement of this Act and for which appropriation has been made; but, subject to review by the commission, the executive officer may suspend or remove any game warden or other employee for cause, including insubordination

Each member of the commission, any warden, any person appointed by the Secretary of Agriculture or by the commission to enforce this Act, any Forest Service employee, marshal, deputy marshal, collector or deputy collector of customs, officer of a Coast Guard vessel, special officer of the Department of Justice, or licensed guide shall have power, in or out of the Territory, and it shall be his duty, to arrest without warrant any person committing a violation of this Act in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and he shall have authority, with a search warrant, to search any place at any time Any officer or employee empowered to enforce this Act shall have with respect to camps and vessels of the United States like authority and powers of search as are conferred with respect to such vessels upon wardens appointed by the Secretary of Agriculture for the protection of land fur-bearing animals in Alaska, by the Act of June 30, 1921 (Forty-first Statutes at Large, page 691, at page 716). The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, boats, dogs, sleds, and other paraphernalia used in or in aid of a violation of this Act may be seized, and all animals, birds, or parts thereof, or nests or eggs of birds taken, transported or possessed contrary to the provisions of this Act shall be seized within or outside the Territory by any officer or person authorized to enforce this Act, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this Act, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. Any property, animals, birds, or parts thereof, or nests or eggs of birds seized by a licensed guide shall be safely held and promptly delivered by him to the commission, a game warden, or to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon re-

quest of the Secretary of Agriculture, to aid in carrying out the provisions of this Act. (Jan. 13, 1925, c. 75, § 5, 43 Stat 741)

See note to § 3621aa–1, ante

§ 3621aa–6. Bond of commissioners—Before entering upon the duties of his office, each member of the commission, other than the executive officer, shall execute and file with the Secretary of Agriculture a bond to the people of the United States in the sum of $1,000, with sufficient sureties, and the executive officer shall so file such a bond in the sum of $20,000, and each game warden or other person authorized by the commission to sell licenses shall so file such a bond in the sum of $500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each member of the commission and each of such game wardens or other persons shall have reimbursed to him on proper voucher the premium paid by him on his bond. (Jan 13, 1925, c 75, § 6, 43 Stat. 742)

See note to § 3621aa–1, ante

§ 3621aa–7. Estimates and reports—The commission, on or before the 15th day of July of each year, shall file with the Secretary of Agriculture a detailed estimate of the appropriation necessary for the service during the following fiscal year, and on or before the 1st day of October of each year shall submit a detailed report to him covering the administration of the law, including all expenditures and other operations for the preceding fiscal year, and such estimates shall be subject to revision by him. (Jan. 13, 1925, c. 75, § 7, 43 Stat. 742)

See note to § 3621aa–1, ante.

§ 3621aa–8. Taking of animals and birds restricted—Unless and except as permitted by this Act or by regulations made pursuant to this Act, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, land fur-bearing animal, wild bird, or any parts thereof, or any nest or egg of any such bird, or, except under regulations of the Secretary of Agriculture, to molest, damage, or destroy beaver or muskrat houses: Provided, That nothing in this Act shall be construed to prevent the collection or exportation of animals, birds, parts thereof, or nests or eggs of birds for scientific purposes, or of live animals, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Secretary of Agriculture and under such regulations as he may prescribe. Land fur-bearing or game animals which escape from captivity, unless recaptured by their owners, and all fur and game animals hereafter introduced into Alaska are declared to be wild fur-bearing or game animals and shall be subject to the provisions of this Act. (Jan. 13, 1925, c. 75, § 8, 43 Stat. 743.)

See note to § 3621aa–1, ante.

§ 3621aa–9. Poison, use prohibited—No person shall at any time use any poison to kill any animal or bird protected by this Act or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a game warden or predatory animal hunter employed by or under the direction of the commission may use poison to kill wolves, coyotes, or wolverines, under such regulations as the commission may adopt; and no person shall sell or give any strychnine or other poison designated by the commission to any hunter or trapper, including native Indians or Eskimos who hunt or trap. No hunter or trapper, including native Indians or Eskimos who hunt and trap, shall have any strychnine or other poison designated by the commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any game warden or other officer authorized to enforce this Act, and he shall transmit such information monthly to the commission (Jan. 13, 1925, c. 75, § 9, 43 Stat. 743)

See note to § 3621aa–1, ante

§ 3621aa–10. Regulations—The Secretary of Agriculture, upon consultation with or recommendation from the commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective ninety days after the date of publication thereof by the Secretary of Agriculture, but no such regulation shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes, or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat which the regulations may permit to be sold under such restrictions as the Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gauge; or to use any airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof, to the owner, master, or employee of any coastal or river steamer or commercial power or sail boat, or to procure for serving or to serve any such game animals, game birds, or parts thereof, in any cannery or other commercial mess house, or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the close season when he is in absolute need of food and other food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but the Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the close season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the migratory bird treaty Act and regulations. (Jan. 13, 1925, c. 75, § 10, 43 Stat. 743.)

See note to § 3621aa–1, ante.

§ 3621aa–11. Licenses—

(Subd. A.) Nonresident hunting license—Except as otherwise permitted by this Act, or by regulation made pursuant thereto, no nonresident shall take or possess any of the animals or birds protected by this Act without first having procured a nonresident hunting and trapping license as herein provided.

(Subd. B.) Resident shipping license—No resident of the Territory shall export any game animal or part thereof, except that he may export for mounting and return to the Territory in any one year but not for sale, not to exceed two heads or trophies of each species of game animal legally killed by him, upon first procuring a resident shipping license as

herein provided, but the Secretary may, by regulation, permit a citizen of the United States, who has been a resident of the Territory for at least two years and who is removing his residence from the Territory, to export trophies of game animals legally acquired by him, upon first procuring a resident shipping license as herein provided.

(Subd. C.) Resident hunting and trapping licenses—The commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting and trapping licenses authorizing them to take animals and birds protected by this Act, and when such licenses shall have been required of residents the fee therefor shall be as follows: For each hunting license the sum of $2 and for each trapping license the sum of $2, but no such license shall be required of native-born Indians, Eskimos, or half-breeds who have not severed their tribal relations by adopting a civilized mode of living or by exercising the right of franchise. After the expiration of sixty days from the adoption of such regulation no resident shall take any animal or bird protected by this Act without having first procured resident hunting and trapping licenses as herein provided.

(Subd. D.) Registered guide license—Only a resident citizen or a resident native Indian or Eskimo of the Territory may act as guide for a nonresident in any section of the Territory where the commission by regulation requires nonresidents to employ guides, and he shall first register with the commission in a book which it shall keep for this purpose and procure a registered guide license as herein provided, and the commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the commission to be registered.

(Subd. E.) Alien special license—No alien shall take any of the animals or birds protected by this Act, or own or be possessed of a shotgun, rifle, or other firearm, except under an alien special license issued as herein provided.

(Subd. F.) Reports—Each person to whom a license to take birds or animals, or to deal in furs, is issued, shall, on or before thirty days after the expiration of his license, make a written report to the commission on a form prepared and furnished by it, stating the kind and number of each species of bird or animal taken, purchased, or otherwise procured under such license. A licensee who willfully fails or neglects to make such report shall not be entitled to, nor shall he be granted, a license to take birds or animals or deal in furs for one year from the date such report is due, but no other punishment shall be imposed.

(Subd. G.) Fur-farm license—No person shall engage in the business of farming land fur-bearing animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

(Subd. H.) Fur dealers, licenses, fees—No person shall buy or sell the skins of fur-bearing animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur-bearing animals protected by this Act without first having procured a license as herein provided, but no license shall be required of a native-born resident Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise, or of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale.

The applicant for such a license shall accompany his application by the required fee, as follows:

(a) If the applicant is a resident of the Territory, the sum of $10.

(b) If the applicant is a nonresident of the Territory, who is a citizen of the United States, or is a corporation, association, or copartnership organized under the laws of the Territory or of a State of the United States, the sum of $250.

(c) If the applicant is an alien, or is a corporation, association, or copartnership not organized under the laws of the Territory or of a State of the United States, the sum of $500.

If a resident agent for a fur dealer within the meaning of clause (c) of this section, the sum of $10.

If a nonresident, who is a citizen of the United States and an agent for a dealer within the meaning of said clause (c), the sum of $250.

(Subd. I.) Fees and applications for, and issuance of licenses—Licenses, with the exception of alien special licenses and resident shipping licenses, shall be issued by the commission through its members, game wardens, and other persons authorized by it in writing to sell licenses. Alien special licenses shall be issued only by the members of the commission, and resident shipping licenses shall be issued by members of the commission and by the collector of customs at the port of shipment. Application blanks for licenses shall be furnished by the commission and shall be in such form as the commission may by regulation determine, and each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory; and the members of the commission, and its game wardens and other persons authorized in writing by it to issue licenses are hereby authorized to administer oaths to applicants for such licenses. The applicant for a license shall accompany his application with a license fee as follows:

Nonresident big game, small game, and fur-bearing animal hunting and trapping license, $50.

Nonresident small game hunting license, $10.

Resident shipping and return license, $1 for each trophy.

Resident removing from Territory, $5 for each trophy of big game.

Registered guide license, $10.

Alien special license, $100.

Fur farm license, $2.

(Subd. J.) False statement in application for and alteration and expiration of licenses—Any false statement in an application for license as to citizenship, place of residence or other material facts shall render null and void the license issued upon it. Any person who shall make any false statement in an application for a license shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties provided for the commission of perjury. No person shall alter, change, loan, or transfer to another any license issued to him in pursuance of this Act, nor shall any person other than the one to whom it is issued use such license; and each of such licenses shall expire the 30th day of June next succeeding its issuance.

(Subd. K.) Proceeds of licenses, disposition of—Each officer or person selling licenses shall, as soon as practicable after the first day of each month, transmit the proceeds thereof with a report of such sales to the executive officer, who shall keep accurate records thereof and of receipts from all other sources and promptly transmit 50 per centum thereof to the Secretary of Agriculture, to be covered into the Treasury of the United States as miscellaneous receipts,

and 50 per centum thereof to the treasurer of the Territory to be covered into the territorial school fund. (Jan 13, 1925, c 75, § 11, 43 Stat. 744.)

See note to § 3621aa-1, ante

§ 3621aa-12. Collectors of customs, duties of—It shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of land fur-bearing animals, and parts thereof received from or returned to the Territory, except birds, nests, and eggs shipped under a scientific permit issued by the Secretary of Agriculture, and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this Act with respect to shipments of animals or birds or nests or eggs of birds. (Jan 13, 1925, c. 75, § 12, 43 Stat. 746)

See note to § 3621aa-1, ante

§ 3621aa-13. United States attorneys, duties of—It shall be the duty of the United States attorney for the division in which any wild animal or wild bird, or part thereof, or nest or egg of such bird, or any gun, trap, net, boat, dog, sled, or other paraphernalia has been seized, or has been used, taken, transported, bought, sold, or possessed contrary to the provisions of this Act, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution, the possession of any wild animal, bird, or part thereof, or nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any such action, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this Act, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully; and in case of judgment being rendered in favor of the United States, it shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission. (Jan. 13, 1925, c. 75, § 13, 43 Stat. 746.)

See note to § 3621aa-1, ante.

§ 3621aa-14. Transfer of funds—The unexpended balances of any sums appropriated by the Agricultural Appropriation Act for the fiscal years ending June 30, 1924 and 1925, for enforcing the provisions of section 1956 of the Revised Statutes, as amended, so far as it relates to the protection of land fur-bearing animals in the Territory, or by the Sundry Civil Act for the fiscal years ending June 30, 1924 and 1925, for the protection of game in the Territory, are hereby made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto. (Jan. 13, 1925, c. 75, § 14, 43 Stat. 747.)

See note to § 3621aa-1, ante.

§ 3621aa-15. Penalties—Unless a different or other penalty or punishment is herein specifically prescribed, a person who violates any provision of this Act, or who fails to perform any duty imposed by this Act or any order or regulation adopted pursuant to this Act, is guilty of misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $500 or be imprisoned not more than six months, or both; and, in addition thereto, the conviction of any licensed hunter for a violation of any of the provisions of this Act shall cause a forfeiture of his license and he shall surrender it upon demand to any person authorized by the commission to receive it; that all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as are other receipts of the commission

Any licensed guide who shall fail or refuse to report promptly to the commission any violation of this Act of which he may have knowledge, shall be guilty of a violation of this Act, and, in addition thereto, shall have his license revoked, and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the commission of definite proof of such offense (Jan 13, 1925, c. 75, § 15, 43 Stat 747.)

See note to § 3621aa-1, ante.

§ 3621aa-16. Existing legislation continued in force temporarily—The provisions of existing laws relating to the protection of game and fur-bearing animals, birds, and nests and eggs of birds in the Territory shall remain in full force and effect until the expiration of ninety days from the date of the publication of regulations of the Secretary of Agriculture adopted pursuant to the provisions of this Act. (Jan. 13, 1925, c. 75, § 16, 43 Stat 747)

See note to § 3621aa-1, ante

§ 3621aa-17. [Saving clause]—Nothing in this Act contained shall be construed as repealing or modifying in any manner section 6 of the Act of Congress approved February 26, 1917 (Thirty-ninth Statutes at Large, page 938), entitled "An Act to establish the Mount McKinley National Park in the Territory of Alaska" (Jan. 13, 1925, c 75, § 17, 43 Stat. 747.)

See note to § 3621aa-1, ante

§ 3621aa-18. Date effective—The provisions of this Act relating to the creation and organization of the commission and with respect to making or adopting regulations shall take effect on its passage and approval; all other provisions of this Act shall take effect ninety days from the date of the publication of regulations of the Secretary of Agriculture. (Jan. 13, 1925, c. 75, § 18, 43 Stat. 747.)

See note to § 3621aa-1, ante

§ 3622¼. Fishing areas; closed season; limitation on fishing; unlawful fishing in areas; regulations; fishery rights—For the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of Commerce from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable. From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: Provided, That every such regulation made by the Secretary of Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted

by the Secretary of Commerce. The right herein given to establish fishing areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of this Act, but the Secretary of Commerce through the creation of such areas and the establishment of closed seasons may further extend the restrictions and limitations imposed upon fishing by specific provisions of this or any other Act of Congress (June 6, 1924, c. 272, § 1, 43 Stat. 464.)

This section, and the five sections next following, are §§ 1, 2, 6, and 8 of an act entitled "An act for the protection of the fisheries of Alaska, and for other purposes," cited above

§ 3622¼a. Same; importing salmon during closed seasons—It shall be unlawful to import or bring into the Territory of Alaska, for purposes other than personal use and not for sale or barter, salmon from waters outside the jurisdiction of the United States taken during any closed period provided for by this Act or regulations made thereunder. (June 6, 1924, c 272, § 1, 43 Stat 464)

See note to § 3622¼, ante

§ 3622¼b. Escapements in salmon runs; percentage of runs which may be taken—In all creeks, streams, or rivers, or in any other bodies of water in Alaska, over which the United States has jurisdiction, in which salmon run, and in which now or hereafter there exist racks, gateways, or other means by which the number in a run may be counted or estimated with substantial accuracy, there shall be allowed an escapement of not less than 50 per centum of the total number thereof. In such waters the taking of more than 50 per centum of the run of such fish is hereby prohibited. It is hereby declared to be the intent and policy of Congress that in all waters of Alaska in which salmon run there shall be an escapement of not less than 50 per centum thereof, and if in any year it shall appear to the Secretary of Commerce that the run of fish in any waters has diminished, or is diminishing, there shall be required a correspondingly increased escapement of fish therefrom. (June 6, 1924, c. 272, § 2, 43 Stat. 465)

See note to § 3622¼, ante.

§ 3622¼c. Violations of act and of Act June 26, 1906, c. 3547; punishment; forfeitures—Any person, company, corporation, or association violating any provision of this Act or of said Act of Congress approved June 26, 1906, or of any regulation made under the authority of either, shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or imprisonment for a term of not more than ninety days in the county jail, or by both such fine and imprisonment; and in case of the violation of section 3 of said Act approved June 26, 1906, as amended, there may be imposed a further fine not exceeding $250 for each day the obstruction therein declared unlawful is maintained. Every boat, seine, net, trap, and every other gear and appliance used or employed in violation of this Act or in violation of said Act approved June 26, 1906, and all fish taken therein or therewith, shall be forfeited to the United States, and shall be seized and sold under the direction of the court in which the forfeiture is declared, at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of as other fines and forfeitures under the laws relating to Alaska. Proceedings for such forfeiture shall be in rem under the rules of admiralty. (June 6, 1924, c. 272, § 6, 43 Stat. 466.)

See note to § 3622¼, ante.

§ 3622¼d. Employés of Bureau of Fisheries as peace officers—For the purposes of this Act all employees of the Bureau of Fisheries, designated by the Commissioner of Fisheries, shall be considered as peace officers and shall have the same powers of arrest of persons and seizure of property for any violation of this Act as have United States marshals or their deputies (June 6, 1924, c 272, § 6, 13 Stat. 466.)

See note to § 3622¼, ante

§ 3622¼e. Territorial powers not abrogated or curtailed—Nothing in this Act contained, nor any powers herein conferred upon the Secretary of Commerce, shall abrogate or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted the Territorial Legislature of Alaska by the Act of Congress approved August 24, 1912, "To create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes" (June 6, 1924, c. 272, § 8, 43 Stat 467)

See note to § 3622¼, ante

§ 3630. Obstructions in waters for capturing salmon—It shall be unlawful to erect or maintain any dam, barricade, fence, trap, fish wheel, or other fixed or stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than one thousand feet, or within five hundred yards of the mouth of any creek, stream, or river into which salmon run, excepting the Karluk and Ugashik Rivers, with the purpose or result of capturing salmon or preventing or impeding their ascent to the spawning grounds, and the Secretary of Commerce is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed For the purposes of this section, the mouth of such creek, stream, or river shall be taken to be the point determined as such mouth by the Secretary of Commerce and marked in accordance with this determination It shall be unlawful to lay or set any seine or net of any kind within one hundred yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or to construct any trap or any other fixed fishing appliance within six hundred yards laterally or within one hundred yards endwise of any other trap or fixed fishing appliance. (June 26, 1906, c. 3547, § 3, 34 Stat 479, amended, June 6, 1924, c. 272, § 3, 43 Stat. 465.)

§ 3631. Manner of taking fish—It shall be unlawful to fish for, take, or kill any salmon of any species or by any means except by hand rod, spear, or gaff in any of the creeks, streams, or rivers of Alaska; or within five hundred yards of the mouth of any such creek, stream, or river over which the United States has jurisdiction, excepting the Karluk and Ugashik Rivers: Provided, That nothing contained herein shall prevent the taking of fish for local food requirements or for use as dog feed. (June 26, 1906, c 3547, § 4, 34 Stat. 479, amended, June 6, 1924, c. 272, § 4, 43 Stat. 466.)

§ 3632. Close season for salmon; stationary and floating traps—It shall be unlawful to fish for, take, or kill any salmon of any species in any manner or by any means except by hand rod, spear, or gaff for personal use and not for sale or barter in any of the waters of Alaska over which the United States has jurisdiction from six o'clock post meridian of Saturday of each week until six o'clock antemeridian of the Monday following, or during such further closed time as may be declared by authority now or hereafter conferred, but such authority shall not be exercised to prohibit the taking of fish for local food requirements or for use as dog feed. Whenever the Secretary of Commerce shall find that conditions in any fishing area make such action advisable, he may advance twelve hours both the opening and ending

time of the minimum thirty-six-hour closed period herein stipulated. Throughout the weekly closed season herein prescribed the gate, mouth, or tunnel of all stationary and floating traps shall be closed, and twenty-five feet of the webbing or net of the "heart" of such traps on each side next to the "pot" shall be lifted or lowered in such manner as to permit the free passage of salmon and other fishes (June 26, 1906, c. 3547, § 5, 34 Stat. 479, amended, June 6, 1924, c 272, § 5, 43 Stat. 466)

§ 3633. [Repealed]

This section (Act June 26, 1906, c 3547, § 6) is repealed by Act June 6, 1924, c 272, § 7, 43 Stat. 466 Said repealing section provides that "such repeal, however, shall not affect any act done or any right accrued or any suit or proceeding had or commenced in any civil cause prior to said repeal, but all liabilities under said laws shall continue and may be enforced in the same manner as if committed, and all penalties, forfeitures, or liabilities incurred prior to taking effect hereof, under any law embraced in, changed, modified, or repealed by this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed"

§ 3642. [Repealed]

This section (Act June 26, 1906, c 3547, § 13) is repealed by Act June 6, 1924, c, 272, § 7, 43 Stat 466 See note to § 3633, ante.

Chapter Three B—Hawaii

THE LEGISLATURE

COMPENSATION OF MEMBERS

§ 3668. Compensation—The members of the legislature shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of $1,000 for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of $500 for each special session: Provided, That they shall receive no compensation for any extra session held under the provisions of section 54 of this Act. (April 30, 1900, c. 339, § 26, 31 Stat. 146, amended, May 27, 1910, c. 258, § 2, 36 Stat 444, and July 9, 1921, c. 42, § 301, 42 Stat. 115)

This section was again amended by Act July 9, 1921, c. 42, Title 3, § 301, cited above, to read as set forth above. This amendment consists in increasing the amount of mileage and compensation

For the other sections of said act July 9, 1921, c. 42, see post, note to § 3737¼

THE SENATE

QUALIFICATIONS OF SENATORS

§ 3676. Qualifications—In order to be eligible to election as a senator a person shall—

Be a citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he or she is elected. (April 30, 1900, c. 339, § 34, 31 Stat. 147, amended, Sept. 15, 1922, c. 315, 42 Stat. 844.)

This section was amended by Act Sept 15, 1922, c 315, cited above, by deleting the word "male" therein.

THE HOUSE OF REPRESENTATIVES

QUALIFICATIONS OF REPRESENTATIVES

§ 3682. Qualifications—In order to be eligible to be a member of the house of representatives the person shall, at the time of election—

Have attained the age of twenty-five years;

Be a citizen of the United States;

Have resided in the Hawaiian Islands not less than three years and shall be qualified to vote for representatives in the district from which he or she is elected (April 30, 1900, c. 339, § 40, 31 Stat. 148, amended, Sept. 15, 1922, c. 315, 42 Stat. 844)

This section was amended by Act Sept 15, 1922, c 315, cited above, by deleting the word "male" therefrom

LEGISLATION

APPROPRIATIONS

§ 3696a. Mileage, etc., of members of Legislature for attendance on extra session—The members of the Legislature of the Territory of Hawaii shall not draw their compensation of $200 or any mileage for an extra session, held in compliance with section 54 of an Act to provide a government for the Territory of Hawaii, approved April 30, 1900 (May 24, 1922, c 199, 42 Stat. 594 June 5, 1924, c. 264, 43 Stat. 428)

From the Interior Department appropriation act for the year 1924, cited above The same provision is contained in prior acts

LEGISLATIVE POWER

§ 3697. Scope of legislative power—The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government, nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to sup-

press insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the assessed value of the property in the Territory or subdivision, respectively as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond ten per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond three per centum of such assessed value of the property in the subdivision, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States: Provided, That the legislature may by general act provide for the condemnation of property for public uses, including the condemnation of rights of way for the transmission of water for irrigation and other purposes. (April 30, 1900, c. 339, § 55, 31 Stat. 150, amended, May 27, 1910, c 258, § 4, 36 Stat. 444, and July 9, 1921, c. 42, § 302, 42 Stat. 116.)

This section was again amended by Act July 9, 1921, c 42, Title 3, § 302, 42 Stat 116, cited above, by striking out, after the words "benevolent, charitable, or scientific association," the words, "Provided, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres, and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired," and by striking out, after the words "and the total indebtedness of the Territory shall not at any time be extended beyond," the word "seven," and inserting in lieu thereof the word "ten," so as to make the section read as set forth above.
See note to § 3668, ante.

THE EXECUTIVE

THE EXECUTIVE POWER

§ 3707. Governor; appointment; term—The executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age, shall be a citizen of the Territory of Hawaii; shall have resided therein for at least three years next preceding his appointment; shall be commander in chief of the militia thereof; and may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon. (April 30, 1900, c. 339, § 60, 31 Stat. 153, amended July 9, 1921, c. 42, § 303, 42 Stat. 116.)

The section was amended by Act July 9, 1921, c. 42, Title 3, § 303, cited above to read as set forth above This amendment consists in the insertion of the clause "shall have resided therein for at least three years next preceding his appointment."
See note to § 3668, ante.

COMMISSIONER OF PUBLIC LANDS

§ 3714. Public lands—(a) Definitions—When used in this section—

(1) The term "commissioner" means the commissioner of public lands of the Territory of Hawaii;

(2) The term "land board" means the board of public lands, as provided in subdivision (1) of this section;

(3) The term "public lands" includes all lands in the Territory of Hawaii classed as government or crown lands previous to August 15, 1895, or acquired by the government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner, except (1) lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, (2) lands set apart or reserved by Executive order by the President, (3) lands set aside or withdrawn by the governor under the provisions of subdivision (g) of this section, (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes, and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of this Act, the Hawaiian Homes Commission Act, 1920, or the Revised Laws of Hawaii of 1915; and

(4) The term "person" includes individual, partnership, corporation, and association.

(b) Other definitions—Any term defined or described in section 347 or 351 of the Revised Laws of Hawaii of 1915, except a term defined in subdivision (a) of this section, shall, whenever used in this section, if not inconsistent with the context or any provision of this section, have the same meaning as given it by such definition or description.

(c) Public lands laws of Hawaii in force; certain sales, grants, etc., ratified; words substituted for other words in land laws—The laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. Subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii, between the 7th day of July, 1898, and the 28th day of September, 1899, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent"; "commissioner of public lands," for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii"

(d) Leases of public lands; terms and conditions—No lease of agricultural lands or of undeveloped arid public land which is capable of being converted into agricultural land by the development, for irrigation purposes, of either the underlying or adjacent waters, or both, shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than fifteen years. Each such lease shall be sold at public auction to the highest bidder after due notice as provided in subdivision (h) of this section and the laws of the Territory of Ha-

waii Each such notice shall state all the terms and conditions of the sale The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn Every such lease shall contain a provision to that effect Provided, That the commissioner may, with the approval of the governor and at least two-thirds of the members of the land board, omit such withdrawal provision from the lease of any lands suitable for the cultivation of sugar cane whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal.

(e) Disposition of funds from sale, etc., of public lands—All funds arising from the sale or lease or other disposal of public land shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation. approved July 7, 1898

(f) Second or subsequent certificates of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement—No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who, or whose husband or wife, has previously taken or held more than ten acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory, the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease, or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he becomes a citizen within five years after so taking.

(g) Alienation of public lands for which certificates of occupation, etc., have issued—No public land for which any such certificate, lease, or agreement is issued after May 27, 1910, or any part thereof, or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease of patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to, or acquired or held by or for the benefit of, any alien or corporation; or before or after the issuance of a homestead lease or before the issuance of a patent to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, or holds, or controls, directly or indirectly, other land or the use thereof, the combined area of which and the land in question exceeds eighty acres. The prohibitions of this paragraph shall not apply to transfers or acquisitions by inheritance or between tenants in common.

(h) Forfeiture of lands—Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding And noncompliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor before patent has been issued, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate· Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith

(i) Determination of persons entitled to take under certificates of occupation, etc.—The persons entitled to take under any such certificate, lease, or agreement shall be determined by drawing or lot, after public notice as hereinafter provided, and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease, or agreement without further notice. The notice of any sale, drawing, or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

(j) Preference right to purchase lands; purchase price—The commissioner, with the approval of the governor, may give to any person (1) who is a citizen of the United States or who has legally declared his intention to become a citizen of the United States and hereafter becomes such, and (2) who has, or whose predecessors in interest have, improved any parcel of public lands and resided thereon continuously for the ten years next preceding the application to purchase, a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested citizens to be appointed by the governor. In the determination of such purchase price the commissioner may, if he deems it just and reasonable, disregard the value of the improvements on such parcel and adjoining land. If such parcel of public lands is reserved for public purposes, either for the use of the United States or the Territory of Hawaii, the commissioner may with the approval of the governor grant to such person a preference right to purchase public lands which are of similar character, value, and area, and which are situated in the same land district. The privilege granted by this paragraph shall not extend to any original lessee or to an assignee of an entire lease of public lands.

(k) Patents to churches or religious organizations—The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than five years heretobefore and still occupied by it as a church site under the laws of Hawaii.

(l) Restrictions upon sales and leases of agricultural lands; board of public lands; members; appointment; exchange of lands—No sale of lands for other than homestead purposes, except as herein provided, and no exchange by which the Territory shall convey lands exceeding either forty acres in area or $5,000 in value shall be made. No lease of agricultural lands exceeding forty acres in area, or of pastoral or waste lands exceeding two hundred acres in area, shall be made without the approval of two-thirds of the board of public lands, which is hereby constituted, the members of which are to be appointed by the governor as provided in section 80 of this Act, and until the legislature shall otherwise provide said board shall consist of six members, and its members be appointed for a term of four years: Provided, however, That the commissioner

shall, with the approval of said board, sell to any citizen of the United States, or to any person who has legally declared his intention to become a citizen, for residence purposes lots and tracts, not exceeding three acres in area, and that sales of Government lands may be made upon the approval of said board whenever necessary to locate thereon railroad rights of way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories, and mills and appurtenances thereto, including houses for employees, mercantile establishments, hotels, churches, and private schools; and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking Provided further, That no exchange of Government lands shall hereafter be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses.

(m) Opening of agricultural lands for settlement—Whenever twenty-five or more persons, having the qualifications of homesteaders, who have not theretofore made application under this Act shall make written application to the commissioner of public lands for the opening of agricultural lands for settlement in any locality or district, it shall be the duty of said commissioner to proceed expeditiously to survey and open for entry agricultural lands, whether unoccupied or under lease with the right of withdrawal, sufficient in area to provide homesteads for all such persons, together with all persons of like qualifications who shall have filed with such commissioner prior to the survey of such lands written applications for homesteads in the district designated in said applications. The lands to be so opened for settlement by said commissioner shall be either the specific tract or tracts applied for or other suitable and available agricultural lands in the same geographical district and, as far as possible, in the immediate locality of and as nearly equal to that applied for as may be available: Provided, however, That no leased land under cultivation, shall be taken for homesteading until any crops growing thereon shall have been harvested.

(n) Survey and opening for homestead entry agricultural lands—It shall be the duty of the commissioner to cause to be surveyed and opened for homestead entry a reasonable amount of desirable agricultural lands and also of pastoral lands in the various parts of the Territory for homestead purposes on or before January 1, 1911, and he shall annually thereafter cause to be surveyed for homestead purposes such amount of agricultural lands and pastoral lands in various parts of the Territory as there may be demand for by persons having the qualifications of homesteaders. In laying out any homestead the commissioner shall include in the homestead lands sufficient to support thereon an ordinary family, but not exceeding eighty acres of agricultural lands and two hundred and fifty acres of first-class pastoral lands or five hundred acres of second-class pastoral lands; or in case of a homestead, including pastoral lands only, not exceeding five hundred acres of first-class pastoral lands or one thousand acres of second-class pastoral lands. All necessary expenses for surveying and opening any such lands for homesteads shall be paid for out of any funds of the Territorial treasury derived from the sale or lease of the public lands, which funds are hereby made available for such purposes.

(o) Leases expired; continuance in possession by lessees—The commissioner, with the approval of the governor, may by contract or agreement authorize any person who has the right of possession, under a general lease from the Territory, of agricultural or pastoral lands included in any homestead, to continue in possession of such lands after the expiration of the lease until such time as the homesteader takes actual possession thereof under any form of homestead agreement The commissioner may fix in the contract or agreement such other terms and conditions as he deems advisable

(p) Survey and opening for homestead entry lands suitable for agricultural and pastoral purposes—Nothing herein contained shall be construed to prevent said commissioner from surveying and opening for homestead purposes and as a single homestead entry public lands suitable for both agricultural and pastoral purposes, whether such lands be situated in one body or detached tracts, to the end that homesteaders may be provided with both agricultural and pastoral lands wherever there is demand therefor; nor shall the ownership of a residence lot or tract, not exceeding three acres in area, hereafter disqualify any citizen from applying for and receiving any form of homestead entry, including a homestead lease.

(q) Control, management, disposition, etc., of public lands; powers and duties of commissioner—All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided, all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect (April 30, 1900, c. 339, § 73, 31 Stat. 154, amended, April 2, 1908, c 124, 35 Stat. 56, May 27, 1910, c 258, § 5, 36 Stat. 444, and July 9, 1921, c. 42, §§ 304–311, 42 Stat. 116–119.)

For this section prior to its amendment by Act July 9, 1921, c 42, §§ 301-311, cited above, see U S. Comp. St. 1918, § 3714 See note to § 3668, ante

This section is not applicable to the acquisition of privately owned lands within the Hawaii National Park, by § 2 of Act Feb. 27, 1920, c. 89, post, § 5249jjj.

APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS

§ 3721. Officers appointed by President and governor; terms; salaries—The President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor,

deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment.

All persons holding office in the Hawaiian Islands at the time this Act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Provided, however, That nothing in this section shall be construed to conflict with the authority and powers conferred by section fifty-six of this Act as herein amended. (April 30, 1900, c 339, § 80, 31 Stat. 156, amended, March 3, 1905, c. 1465, § 2, 33 Stat. 1035, and July 9, 1921, c. 42, § 312, 42 Stat. 119)

This section was again amended by Act July 9, 1921, c. 42, § 312. 42 Stat 119, cited above, by inserting, at the end of the fourth paragraph, the clause beginning "and shall have resided," etc

See note to § 3668, ante

UNITED STATES OFFICERS

FEDERAL COURT

§ 3727. District court—(a) There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases each of them shall preside.

The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time.

(b) The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, all of whom shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment Said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President.

(c) The said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States.

Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October, and special terms may be held at such times and places in said district as the said judges may deem expedient. The said district judges shall appoint a clerk of said court at a salary of $4,200 per annum and shall appoint a reporter of said court at a salary of $3,000 per annum. The clerk of the district court with the approval of the judges thereof may appoint two deputy clerks at salaries of $2,500 each per annum. (April 30, 1900, c. 339, § 86, 31 Stat. 158, amended, March 3, 1909, c 209, § 1, 35 Stat. 838, July 9, 1921, c. 42, § 313, 42 Stat. 119, and Feb. 12, 1925, c. 220, 43 Stat. 890.)

This section was again amended by Act July 9, 1921, c. 42, § 313, 42 Stat 119, cited above, to read as follows:

"(a) There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of $7,500 The said court while in session shall be presided over by only one of said judges The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what class of cases each of them shall preside. The said two judges shall have the same powers in all matters coming before said court

"(b) The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, all of whom shall be citizens of the Territory of Hawaii and shall have resided therein for at least three years next preceding their appointment. Said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President.

"(c) The said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States.

"Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district

and circuit courts of the United States to the Supreme Court, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October, and special terms may be held at such times and places in said district as the said judges may deem expedient. The said district judges shall appoint a clerk of said court at a salary of $4,200 per annum and shall appoint a reporter of said court at a salary of $3,000 per annum. The clerk of the district court with the approval of the judges thereof may appoint two deputy clerks at salaries of $2,500 each per annum." See note to § 3668, ante.

This section was again amended by Act Feb. 12, 1925, c 220, cited above, to read as set forth above.

So much of this section (April 30, 1900, c 339, § 86, 31 Stat 158), as amended by Act July 9, 1921, c 42, § 313, 42 Stat 119), as permits a direct review by the Supreme Court of cases in the courts of Hawaii, is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat. 941.

Section 11 of said Act Feb 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C.

§ 3727a. Salary of clerk of United States district court—From and after July 1, 1922, the salary of the clerk of the United States district court for Hawaii shall be fixed in the same manner as salaries of clerks of United States district courts under the Act of February 26, 1919. (June 1, 1922, c. 204, title II, 42 Stat. 616.)

From the State, Justice and Judiciary appropriation act for the year 1923, cited above.

§ 3727aa. Salary of reporter—From and after July 1, 1922, the salary of the reporter shall be $1,200 per annum. (June 1, 1922, c. 204, title II, 42 Stat. 614.)

From the State, Justice and Judiciary appropriation act for the year 1923, cited above.

§ 3727aaa. Deputy clerks; number and compensation—Hereafter the number and compensation of deputy clerks in Hawaii shall be fixed by the Attorney General as in other judicial districts. * * (Jan. 3, 1923, c. 21, title II, 42 Stat. 1084.)

From the State, Justice, and Judiciary appropriation act for the year 1924, cited above.

MISCELLANEOUS

[PUBLIC PROPERTY]

§ 3729a. Exchange of lands set apart for military purposes for privately owned lands or land owned by Territory; approval of title by Attorney General—That within three years from the passage of this Act the President be, and he is hereby, authorized, when in his opinion the public good demands it, to exchange any land or any interest in land owned by the United States now or hereafter set apart for military purposes in the Territory of Hawaii for privately owned land or land owned by the Territory of Hawaii, or any interest therein of equal value located in that Territory and selected by the Secretary of War, and thereafter to set apart for military purposes the lands or interest therein so acquired: Provided, That the Attorney General of the United States shall first pass upon and approve the title to the privately owned lands or interest therein to be acquired by the United States before any exchange of lands shall be made under the provisions of this Act. (Jan. 31, 1922, c. 42, § 1, 42 Stat. 360.)

This section, and the section next following, are an act entitled "An act to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii," cited above.

The time for the exchange of lands as provided by this section is extended until Jan. 31, 1926, by Act March 3, 1925, c 434, 43 Stat 1115.

§ 3729aa. Same; valuation of lands taken in exchange—The value of lands or interests to be so exchanged shall be determined by three appraisers, to be appointed by the Secretary of War. The expense necessary to effect the appraisements herein authorized, when approved by the military commander of the Hawaiian Department, may be paid out of the current appropriation for contingencies of the Army. (Jan. 31, 1922, c. 42, § 2, 42 Stat. 360.)

See note to § 3729a, ante.

[SALARIES PAID BY UNITED STATES]

§ 3730. Official salaries paid by United States—The following officers shall receive the following annual salaries, to be paid by the United States: The governor, $10,000; the secretary of the Territory, $5,400, the chief justice of the Supreme Court of the Territory, $7,500; the associate judges of the Supreme Court, $7,000 each; the judges of the circuit courts, $6,000 each; the United States district attorney, $5,000, the United States marshal, $5,000. The governor shall receive annually from the United States, in addition to his salary, (1) the sum of $1,000 for stationery, postage, and incidentals, and (2) his traveling expenses while absent from the capital on official business. The governor is authorized to employ a private secretary who shall receive an annual salary of $3,000, to be paid by the United States. (April 30, 1900, c. 339, § 92, 31 Stat. 159, amended, May 27, 1910, c. 258, § 8, 36 Stat. 448, and July 9, 1921, c. 42, § 314, 42 Stat. 120.)

See note to § 3668, ante.

For current appropriation for the judges of the courts of Hawaii, see Act Feb 27, 1925, c 364, title II, 43 Stat. 1029.

§ 3730a. Salary of United States district attorney—From and after July 1, 1922, the salary of the United States district attorney for Hawaii shall be $4,000 per annum. (June 1, 1922, c. 204, title II, 42 Stat. 616.)

From the State, Justice, and Judiciary appropriation act for the year 1923, cited above.

§ 3730aa. Salary of United States marshal—From and after July 1, 1922, the salary of the United States marshal, United States District for Hawaii, shall be $3,000 per annum. (June 1, 1922, c. 204, title II, 42 Stat. 615.)

From the State, Justice, and Judiciary appropriation act for the year 1923, cited above.

[HAWAIIAN HOME LANDS]

§ 3737½. Short title of act—This Act may be cited as the "Hawaiian Homes Commission Act, 1920." (July 9, 1921, c. 42, § 1, 42 Stat. 108.)

This section, and the 29 sections next following are parts of an act entitled "An act to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes," as amended, cited above. This act is divided into four titles as follows. Title 1, "Definitions;" Title 2, "Hawaiian Homes Commission;" Title 3, "Amendments to Hawaiian Organic Act;" Title 4, "Miscellaneous Provisions." Titles 1, 2, and 4 are set forth here as §§ 3737¼-3737¼mm. Title 3, consisting of amendments to the Hawaiian Organic Act, is set forth ante, as §§ 3668, 3697, 3707, 3714, 3721, 3727, 3730, and post as §§ 3737½, 3737½a, 3746c.

§ 3737¼a. Hawaiian Organic Act defined—When used in this Act the term "Hawaiian Organic Act" means the Act entitled "An Act to provide a government for the Territory of Hawaii," approved

April 30, 1900, as amended (July 9, 1921, c. 42, § 2, 42 Stat 108.)

See note to § 3737¼, ante

§ 3737¼aa. Further definitions—(a) When used in this title—

(1) The term "commission" means the Hawaiian Homes Commission;

(2) The term "public land" has the same meaning as defined in paragraph (3) of subdivision (a) of section 73 of the Hawaiian Organic Act;

(3) The term "fund" means the Hawaiian home loan fund;

(4) The term "Territory" means the Territory of Hawaii,

(5) The term "Hawaiian home lands" means all lands given the status of Hawaiian home lands under the provisions of section 204 of this title,

(6) The term "tract" means any tract of Hawaiian home lands leased, as authorized by section 207 of this title, or any portion of such tract; and

(7) The term "native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778

(b) Any term defined or described in section 347 or 351 of the Revised Laws of Hawaii of 1915, except a term defined in subdivision (a) of this section, shall, whenever used in this title, have the same meaning as given by such definition or description. (July 9, 1921, c. 42, § 201, 42 Stat. 108)

See note to § 3737¼, ante

§ 3737¼b. Hawaiian Homes Commission; members; appointment; vacancies; chairman; executive officer and secretary; salaries; terms of office; removal—(a) There is hereby established a commission to be known as the "Hawaiian Homes Commission" and to be composed of five members, as follows:

(1) The governor of the Territory, and

(2) Four citizens of the Territory to be appointed by the governor, by and with the advice and consent of the senate of the legislature of the Territory. At least three of the appointed members of the commission shall be native Hawaiians

(b) Any vacancy in the office of an appointed member shall be filled in the same manner and under the same limitations as the original appointment

(c) The governor of the Territory shall be the chairman of the commission. The commission shall designate one of its members to serve as the executive officer and secretary of the commission The executive officer and secretary shall receive such annual salary, not to exceed $6,000, as the commission may determine. The members of the commission, except the executive officer and secretary, shall receive an annual salary of $500. Of the original appointed members of the commission, one shall be appointed for a term of one year, one for two years, one for three years, and one for four years. Their successors shall hold office for terms of four years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may after due notice and public hearing be removed by the governor for neglect of duty or malfeasance in office, but for no other cause. (July 9, 1921, c. 42, § 202, 42 Stat. 109)

See note to § 3737¼, ante

§ 3737¼bb. Certain public lands designated "available lands"—All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugarcane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to, as "available lands".

(1) On the island of Hawaii Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau, Puukapu (twelve thousand acres, more or less), Kawaihae I (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala, Kamoku-Kapulena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), and Niemie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua, fifty-three thousand acres to be selected by the commission from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the commission from the lands of Puhonua, in the district of South Hilo; and two thousand acres to be selected by the commission from the lands of Kaohe-Makuu, in the district of Puna;

(2) On the island of Maui: Kahikinui (twenty-five thousand acres, more or less) in the district of Kahikinui, and the public lands (six thousand acres, more or less) in the district of Kula;

(3) On the island of Molokai Palaau (eleven thousand four hundred acres, more or less), Kapaakea (two thousand acres, more or less), Kalamaula (six thousand acres, more or less), Hoolehua (three thousand five hundred acres, more or less), Kamiloloa I and II (three thousand six hundred acres, more or less), and Makakupaia (two thousand two hundred acres, more or less); and Kalaupapa (five thousand acres, more or less);

(4) On the island of Oahu. Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres. more or less), in the district of Waianae; and Waimanalo (four thousand acres, more or less), in the district of Koolaupoko, excepting therefrom the military reservation and the beach lands; and

(5) On the island of Kauai. Upper land of Waimea, above the cultivated sugar cane lands, in the district of Waimea (fifteen thousand acres, more or less), and Moloaa (two thousand five hundred acres, more or less), and Anahola and Kamalomalo (five thousand acres, more or less). (July 9, 1921, c. 42, § 203, 42 Stat. 109)

See note to § 3737¼, ante

§ 3737¼c. Available lands to be Hawaiian home lands; control by commission; use and disposal of lands—Upon the passage of this Act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission to be used and disposed of in accordance with the provisions of this title, except that—

(1) For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situate on the island of Molokai, which are particularly named in paragraphs 1 and 3 of section 203 hereof; Waimanu, in the district of Hamakua, Keaaukaha, in the district of South Hilo; and Panaewa, Waiakea, in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title and none of the remaining available lands named in said section 203 shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

(2) In case any available land is under lease at the time of the passage of this Act such land shall not assume the status of Hawaiian home lands until

the lease expires or the commissioner of public lands withdraws the lands from the operation of the lease If the land is covered by a lease containing a withdrawal clause as provided in subdivision (d) of section 73 of the Hawaiian Organic Act, the commissioner of public lands shall withdraw such lands from the operation of the lease whenever the commission with the approval of the Secretary of the Interior gives notice to him that the commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of section 207, or for a community pasture as provided in section 211 of this title Such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian Organic Act.

(3) In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of Secretary of the Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the five-year period referred to in paragraph 1 of this section. Any such notice given thereafter shall be deemed invalid and of no effect. (July 9, 1921, c. 42, § 204, 42 Stat. 110.)

See note to § 3737¼, ante

§ 3737¼cc. Sale or lease of available lands—Available lands shall be sold or leased only (1) in the manner and for the purposes set out in this title, or (2) as may be necessary to complete any valid agreement of sale or lease in effect at the time of the passage of this Act; except that such limitations shall not apply to the unselected portions of lands from which the commission has made a selection and given notice thereof, or failed so to select and give notice within the time limit, as provided in paragraph (3) of section 204 of this title. (July 9, 1921, c. 42, § 205, 42 Stat. 110)

See note to § 3737¼, ante.

§ 3737¼d. Available lands not subject to governor, commissioner of public lands, or board of public lands—The powers and duties of the governor, the commissioner of public lands, and the board of public lands, in respect to lands of the Territory, shall not extend to lands having the status of Hawaiian home lands, except as specifically provided in this title. (July 9, 1921, c. 42, § 206, 42 Stat. 110.)

See note to § 3737¼, ante.

§ 3737¼dd. Lease of home lands; amount; title to leased lands—(a) The commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian home lands within the following acreage limits per each lessee.

(1) Not less than twenty nor more than eighty acres of agricultural lands, or

(2) Not less than one hundred nor more than five hundred acres of first-class pastoral lands; or

(3) Not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands: Provided, however, That lots, each of one-half of an acre or more, of any class of land may be leased as residence lots.

(b) The title to lands so leased shall remain in the United States. Applications for tracts shall be made to and granted by the commission, under such regulations, not in conflict with any provision of this title, as the commission may prescribe. The commission shall, whenever tracts are available, enter into such a lease with any applicant who, in the opinion of the commission, is qualified to perform the conditions of such lease. (July 9, 1921, c. 42, § 207, 42 Stat. 110, amended, Feb 3, 1923, c. 56, § 1, 42 Stat 1222.)

This section was amended by Act Feb 3, 1923, c. 56, § 1, 42 Stat 1222, cited above, by adding at the end of the introductory paragraph the words "per each lessee," and by adding the proviso at the end of paragraph numbered (3)

§ 3737¼e. Conditions in leases—Each lease made under the authority granted the commission by the provisions of section 207 of this title and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:

(1) The lessee shall be a native Hawaiian.

(2) The lessee shall pay a rental of $1 a year for the tract and the lease shall be for a term of ninety-nine years;

(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made;

(4) The lessee shall thereafter, for at least such part of each year as the commission shall by regulation prescribe, so occupy and use or cultivate the tract on his own behalf;

(5) The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person, except a native Hawaiian, and then only upon the approval of the commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon Upon the death of the lessee his interest in the tract and improvements thereon shall vest under the limitations provided for homesteads in section 403 of the Revised Laws of Hawaii of 1915;

(6) The lessee shall pay all taxes assessed upon the tract and improvements thereon within sixty days after they became delinquent. If the lessee fails so to pay, the commission shall thereupon pay the taxes and have a lien therefor as provided in section 216 of this title,

(7) The lessee shall perform such other conditions, not in conflict with any provision of this title, as the commission may stipulate in the lease: Provided, however, That the lessee shall be exempt from all taxes for the first five years from date of lease. (July 9, 1921, c. 42, § 208, 42 Stat. 111.)

See note to § 3737¼, ante.

§ 3737¼ee. Successor to lessees—All successors, whether by agreement or process of law, to the interest of the lessee in any tract, shall be deemed to receive such interest subject to the conditions which would rest upon the lessee, if he then were the party holding the interest in the tract: Provided, That a successor receiving such interest by inheritance shall not, during the two years next following his inheritance, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not on his own behalf occupy and use or cultivate the tract as a home or farm for such part of the year as the commission requires in accordance with the regulations prescribed by it under paragraph (4) of section 208 of this title. (July 9, 1921, c. 42, § 209, 42 Stat. 111.)

See note to § 3737¼, ante.

§ 3737¼f. Cancellation of leases—Whenever the commission has reason to believe that any condition enumerated in section 208, or any provision of section 209, of this title has been violated, the commission shall give due notice and afford opportunity for a hearing to the lessee of the tract in respect to which the alleged violation relates or to the successor of

the lessee's interest therein, as the case demands. If upon such hearing the commission finds that the lessee or his successor has violated any condition in respect to the leasing of such tract, the commission may declare his interest in the tract and all improvements thereon to be forfeited and the lease in respect thereto canceled, and shall thereupon order the tract to be vacated within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the commission and the commission may take possession of the tract and the improvements thereon. (July 9, 1921, c 42, § 210, 42 Stat. 111.)

See note to § 3737¼, ante

§ 3737¼ff. Community pastures—The commission shall, when practicable, provide from the Hawaiian home lands a community pasture adjacent to each district in which agricultural lands are leased, as authorized by the provisions of section 207 of this title (July 9, 1921, c. 42, § 211, 42 Stat. 112)

See note to § 3737¼, ante

§ 3737¼g. Return of lands not leased to control of commissioner of public lands—The commission may return any Hawaiian home lands not leased as authorized by the provisions of section 207 of this title to the control of the commissioner of public lands. Any Hawaiian home lands so returned shall, until the commission gives notice as hereinafter in this section provided, resume and maintain the status of public lands in accordance with the provisions of the Hawaiian Organic Act and the Revised Laws of Hawaii of 1915, except that such lands may be disposed of under a general lease only. Each such lease, whether or not stipulated therein, shall be deemed subject to the right and duty of the commission of public lands to terminate the lease and return the lands to the commission whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of section 207 of this title or for a community pasture. (July 9, 1921, c. 42, § 212, 42 Stat. 112)

See note to § 3737¼, ante.

§ 3737¼gg. Hawaiian home loan fund; how constituted—There is hereby established in the treasury of the Territory a revolving fund to be known as the "Hawaiian Home Loan Fund" The entire receipts derived from any leasing of the "available lands" defined in section 203, these receipts including proportionate shares of the receipts from the lands of Huumula Mauka, Puhonua, and Kaohe Makuu, of which lands portions are yet to be selected, and 30 per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal $1,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever. (July 9, 1921, c. 42, § 213, 42 Stat. 112, amended, Feb. 3, 1923, c. 56, § 2, 42 Stat. 1222.)

This section was amended by Act Feb. 3, 1923, c 56, § 2, 42 Stat. 1222, cited above, to read as set forth above. Prior to this amendment this section read as follows: "There is hereby established in the treasury of the Territory a revolving fund, to be known as the 'Hawaiian home loan fund.' The entire receipts derived from any leasing of public lands under the provisions of section 212 of this title and 30 per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law or from water licenses shall be covered into the fund until the total amount of the moneys paid therein equals $1,000,000."

§ 3737¼h. Same; loans from—The commission is hereby authorized to make loans from the fund to the lessee of any tract or the successor to his interest therein Such loans may be made for the following purposes:

(1) The erection of dwellings on any tract and the undertaking of other permanent improvements thereon;

(2) The purchase of live stock and farm equipment; and

(3) Otherwise assisting in the development of tracts. (July 9, 1921, c. 42, § 214, 42 Stat 112)

See note to § 3737¼, ante

§ 3737¼hh. Same; conditions in contracts of loan—Each contract of loan with the lessee or the successor to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan:

(1) The amount of loans to any one borrower outstanding at any one time shall not exceed $3,000: Provided, however, That the amount of loans outstanding at any one time to the holder of a residence lot shall not exceed $1,000.

(2) The loans shall be repaid upon an amortization plan by means of a fixed number of annual installments sufficient to cover (a) interest on the unpaid principal at the rate of 5 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the commission from any installment paid upon such loan shall be covered into the fund The payment of any installment due shall, with the concurrence therein of at least three of the five members of the commission, be postponed in whole or in part by the commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 5 per centum per annum on the unpaid principal and interest.

(3) In case the borrower's interest in his tract or his successor's interest therein is transferred to or mortgaged, pledged, or otherwise held for the benefit of any native Hawaiian, or agreed so to be transferred, mortgaged, pledged, or otherwise held, as permitted by paragraph (5) of section 208 of this title, the commission may at its option declare all annual installments upon the loan immediately due and payable or permit the successor to the borrower's interest in the tract to assume the contract of loan. In case of the borrower's death, the commission shall permit the successor to the borrower's interest in the tract to assume the contract of loan.

(4) No part of the moneys loaned shall be devoted to any purpose other than those for which the loan is made.

(5) The borrower or the successor to his interest in the tract shall comply with such other conditions, not in conflict with any provision of this title, as the commission may stipulate in the contract of loan.

(6) The borrower or the successor to his interest in the tract shall comply with the conditions enumerated in section 208, and with the provisions of section 209 of this title in respect to the lease of the tract. (July 9, 1921, c. 42, § 215, 42 Stat. 112, amended Feb. 3, 1923, c. 56, § 3, 42 Stat. 1222.)

This section was amended by Act Feb 3, 1923, c. 56, § 3, 42 Stat. 1222, cited above, by adding the proviso at the end of paragraph numbered (1).

§ 3737¼i. Same; insurance by borrowers; violations of terms of loans; lien to secure loans—The commission may require the borrower to insure, in such amount as the commission may by regulation prescribe, all live stock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the commission may directly take

out such insurance and add the cost thereof to the amount of the annual installments payable under the amortization plan. Whenever the commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the commission shall give due notice and afford opportunity for a hearing to the borrower or the successor to his interest in the tract, as the case demands If upon such hearing the commission finds that the borrower has violated the condition, the commission may declare all annual installments immediately due and payable, notwithstanding any provision in the contract of loan to the contrary. The commission shall have a lien upon the borrower's or lessee's interest in his tract, dwellings, and other permanent improvements thereon, and his live stock to the amount of all annual installments due and unpaid and of all taxes upon such tract and improvements paid by the commission. Such liens shall have priority over any other obligation for which the tract, dwellings, other improvements, or live stock may be security.

The commission may, at such time as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract or his successor's interest therein, as the case may be, together with the dwellings and other permanent improvements thereon and the live stock, to be forfeited, and the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the live stock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the commission, and the commission may take possession of the tract and the improvements thereon: Provided, That the commission shall pay to the borrower any difference in his favor between (1) the fair value of the live stock and any improvements in respect to the tract made by the borrower or any predecessor to his interest in the tract, and (2) the amount of the lien. (July 9, 1921, c 42, § 216, 42 Stat 113)

See note to § 3737¼, ante.

§ 3737¼ii. Ejectment against lessee or borrower—In case the lessee or borrower or the successor to his interest in the tract, as the case may be, fails to comply with any order issued by the commission under the provisions of section 210 or 216 of this title, the commission may (1) bring action of ejectment or other appropriate proceeding, or (2) invoke the aid of the circuit court of the Territory for the judicial circuit in which the tract designated in the commission's order is situated. Such court may thereupon order the lessee or his successor to comply with the order of the commission. Any failure to obey the order of the court may be punished by it as contempt thereof. Any tract forfeited under the provisions of section 210 or 216 of this title may be again leased by the commission as authorized by the provisions of section 207 of this title, except that the value, in the opinion of the commission, of all improvements made in respect to such tract by the original lessee or any successor to his interest therein shall constitute a loan by the commission to the new lessee. Such loan shall be subject to the provisions of this section and sections 215, except paragraph (1), and 216 to the same extent as loans made by the commission from the Hawaiian loan fund. (July 9, 1921, c. 42, § 217, 42 Stat. 113.)

See note to § 3737¼, ante.

§ 3737¼j. Lessees not to receive loans under territorial Farm Loan Act of 1919—No lessee of any tract or any successor to his interest therein shall be eligible to receive in respect to such tract any loan made under the provisions of the act of the legislature of the Territory entitled "the Farm Loan Act of Hawaii," approved April 30, 1919 (July 9, 1921, c 42, § 218, 42 Stat 114)

See note to § 3737¼, ante

§ 3737¼jj. Agricultural experts; employment; compensation; duties—The commission is authorized to employ agricultural experts at such compensation and in such number as it deems necessary. The annual expenditures for such compensation shall not exceed $6,000 It shall be the duty of such agricultural experts to instruct and advise the lessee of any tract or the successor to the lessee's interest therein as to the best methods of diversified farming and stock raising and such other matters as will tend successfully to accomplish the purposes of this title (July 9, 1921, c 42, § 219, 42 Stat 114)

See note to § 3737¼, ante

§ 3737¼k. Development projects; appropriations by territorial legislature; bonds; issue by legislature—The commission is hereby authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to provide the commission with funds sufficient to execute such projects The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated The commission shall pay from the Hawaiian home loan fund into the treasury of the Territory:

(1) Upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and

(2) Commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term. (July 9, 1921, c 42, § 220, 42 Stat. 114.)

See note to § 3737¼, ante

§ 3737¼kk. "Water license" and "surplus water" defined; water licenses; free use of government-owned water—(a) When used in this section--

(1) The term "water license" means any license issued by the commissioner of public lands granting to any person the right to the use of Government-owned water; and

(2) The term "surplus water" means so much of any Government-owned water covered by a water license or so much of any privately owned water as is in excess of the quantity required for the use of the licensee or owner, respectively.

(b) All water licenses issued after the passage of this Act shall be deemed subject to the condition, whether or not stipulated in the license, that the licensee shall, upon the demand of the commission, grant to it the right to use, free of all charge, any water which the commission deems necessary adequately to supply the live stock or the domestic needs of individuals upon any tract.

(c) In order adequately to supply live stock or the domestic needs of individuals upon any tract, the commission is authorized (1) to use, free of all charge, Government-owned water not covered by any water license or covered by a water license issued after the passage of this Act, or covered by a water license issued previous to the passage of this Act but containing a reservation of such water for the benefit of the public, and (2) to contract with any person for the right to use or to acquire, under eminent domain proceedings similar, as near as may be, to the proceedings provided in respect to land by sections 667 to 678, inclusive, of the Revised Laws of Hawaii of

1915, the right to use any privately owned surplus water or any Government-owned surplus water covered by a water license issued previous to the passage of this Act, but not containing a reservation of such water for the benefit of the public Any such requirement shall be held to be for a public use and purpose. The commission may institute the eminent domain proceedings in its own name.

(d) The commission is authorized, for the additional purpose of adequately irrigating any tract, to use, free of all charge, Government-owned water upon the island of Molokai and Government-owned surplus water tributary to the Waimea River upon the island of Kauai, not covered by a water license or covered by a water license issued after the passage of this Act. Any water license issued after the passage of this Act and covering any such Government-owned water shall be deemed subject to the condition, whether or not stipulated therein, that the licensee shall, upon the demand of the commission, grant to it the right to use, free of all charge, any of the water upon the island of Molokai, and any of the surplus water tributary to the Waimea River upon the island of Kauai, which is covered by the license and which the commission deems necessary for the additional purpose of adequately irrigating any tract

(e) All rights conferred on the commission by this section to use, contract for, acquire the use of water shall be deemed to include the right to use, contract for, or acquire the use of any ditch or pipe line constructed for the distribution and control of such water and necessary to such use by the commission. (July 9, 1921, c. 42, § 221, 42 Stat. 114.)

See note to § 3737¼, ante

§ 3737¼l. Regulations by commission; expenditures and reports by commission; bond of executive officer and secretary—The commission may make such regulations and, with the approval in writing of the governor of the Territory, may make such expenditures including salaries, and appoint and remove such employees and agents, as are necessary to the efficient execution of the functions vested in the commission by this title. All expenditures of the commission shall be allowed and paid, and all moneys necessary for loans made by the commission in accordance with the provisions of this title advanced, from the Hawaiian home loan fund upon the presentation of itemized vouchers therefor, approved by the chairman of the commission. The commission shall make a biennial report to the legislature of the Territory upon the first day of each regular session thereof and such special reports as the legislature may from time to time require The executive officer and secretary shall give bond in the sum of $25,000 for the faithful performance of his duties. The sureties upon the bond and the conditions thereof shall be approved annually by the commission. (July 9, 1921, c. 42, § 222, 42 Stat 115)

See note to § 3737¼, ante.

§ 3737¼ll. Alteration, amendment, or repeal of act—The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this title. (July 9, 1921, c 42, § 223, 42 Stat. 115.)

See note to § 3737¼, ante

§ 3737¼m. Acts repealed—All Acts or parts of Acts, either of the Congress of the United States or of the Territory of Hawaii, to the extent that they are inconsistent with the provisions of this Act, are hereby repealed. (July 9, 1921, c. 42, § 401, 42 Stat. 121.)

See note to § 3737¼, ante

§ 3737¼mm. Effect of partial unconstitutionality of act—If any provision of this Act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the Act and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be held invalidated thereby. (July 9, 1921, c 42, § 402, 42 Stat 121)

See note to § 3737½, ante

[PUBLIC WORKS]

§ 3737½. Employment on public works—No person shall be employed as a mechanic or laborer upon any public work carried on in the Territory of Hawaii by the Government of the United States, whether the work is done by contract or otherwise, unless such person is a citizen of the United States or eligible to become such a citizen. (April 30, 1900, c 339, § 105, added, July 9, 1921, c 42, § 315, 42 Stat 120)

This section was added to Act April 30, 1900, c. 339, as § 105 thereof, by Act July 9, 1921, c 42, § 315, 42 Stat 120, cited above See note to § 3668, ante.

[HARBORS, NAVIGABLE WATERS, ETC.]

§ 3737½a. Board of harbor commissioners; powers and duties; appropriations for harbor improvements; report of board—The board of harbor commissioners of the Territory of Hawaii shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and water-front improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the Territory, for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage, or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares, and merchandise, for storage space for the use of donkey engines, derricks, or other equipment belonging to the Territory, under the control of the board, and to make other charges, including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot-boat crews, and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this section.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of law. All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding year, together with its recommendations as to harbor improvements throughout the Territory.

(April 30, 1900, c. 339, § 106, added July 9, 1921, c. 42, § 315, 42 Stat 121.)

This section was added to Act April 30, 1900, c 339, as § 106 thereof, by Act July 9, 1921, c 42, § 315, 42 Stat. 121, cited above. See note to § 3668, ante

[ROADS AND HIGHWAYS]

§ 3746b½. Rural post roads; Federal aid—Beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, known as the Federal Highway Act, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: Provided, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks. (March 10, 1924, c. 46, § 1, 43 Stat. 17.)

This section, and the four sections next following, are an act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," cited above

[FEDERAL FARM LOANS]

§ 3746b¾. Federal Farm Loan Act extended to Territory—The provisions of the Federal Farm Loan Act, and any Act amendatory thereof or supplementary thereto, are extended to the Territory of Hawaii. The Federal Farm Loan Board shall include the Territory in a Federal land bank district, and such Federal land bank as the board may designate is authorized to establish branch banks in the Territory. (March 10, 1924, c. 46, § 2, 43 Stat. 17.)

See note to § 3746b½, ante.

[MATERNITY AND INFANCY WELFARE AND HYGIENE]

§ 3746b⅝. Act extended to Territory—The Territory of Hawaii shall be entitled to share in the benefits of the Act entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. For the fiscal year ending June 30, 1925, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $13,000, to be available for apportionment under such Act to the Territory, and annually thereafter such sum as would be apportioned to the Territory if such Act had originally included the Territory. (March 10, 1924, c. 46, § 3, 43 Stat. 17.)

See note to § 3746b½, ante.

[VOCATIONAL EDUCATION]

§ 3746b⅝. Act extended to Territory—The Territory of Hawaii shall be entitled to share in the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1925, and annually, thereafter, the sum of $30,000, to be available for allotment under such Act to the Territory (March 10, 1924, c. 46, § 4, 43 Stat 18.)

See note to § 3746b½, ante.

[VOCATIONAL REHABILITATION]

§ 3746b⅞. Act extended to Territory—The Territory of Hawaii shall be entitled to share in the benefits of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1925, and annually thereafter, the sum of $5,000, to be available for allotment under such Act to the Territory. (March 10, 1924, c. 46, § 5, 43 Stat. 18.)

See note to § 3746b½, ante.

[TITLE OF ACT]

§ 3746c. Citation of Act—This Act may be cited as the "Hawaiian Organic Act." (April 30, 1900, c. 339, § 107, added, July 9, 1921, c. 42, § 315, 42 Stat 121.)

This section was added to Act April 30, 1900, c. 339, as § 107 thereof, by Act July 9, 1921, c 42, § 315, 42 Stat. 121, cited above. See note to § 3668, ante.

Chapter Three C—Porto Rico

BILL OF RIGHTS

§ 3803aa. Bill of Rights and restrictions—No law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed

to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

That slavery shall not exist in Porto Rico

That involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination sectarian institution, or association. or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited.

That one year after the approval of this Act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift any intoxicating drink or drug. Provided, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than $25 for the first offense, and for second and subsequent offenses a fine of not less than $50 and imprisonment for not less than one month of more than one year: And provided further, That at any general election within five years after the approval of this Act this provision may, upon petition of not less than ten per centum of the qualified electors of Porto Rico, be submitted to a vote of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico voting upon such question shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

That the rule of taxation in Porto Rico shall be uniform,

That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

That the employment of children under the age of fourteen years in every occupation injurious to health or morals or hazardous to life or limb is hereby prohibited. (March 2, 1917, c. 145, § 2, 39 Stat. 951, amended Feb. 3, 1921, c. 34, § 1, 41 Stat. 1096)

This section was amended by Act Feb 3, 1921, c 34, § 1, cited above, by changing par 19 to read as set forth above Prior to this amendment said paragraph read as follows:

"That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher, or dignitary as such, or for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico Contracting of polygamous or plural marriages hereafter is prohibited"

§ 3803aaa. Export duties; taxes, etc., for insular government; bonds, etc.—No export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and, when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: Provided, however, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted. (March 2, 1917, c. 145, § 3, 39 Stat 953, amended, Feb. 3, 1921, c. 34, § 2, 41 Stat. 1096.)

For this section prior to the amendment by Act Feb. 3, 1921, c. 34, § 2, see U. S Comp. St 1918, § 3803aaa.

EXECUTIVE DEPARTMENT

§ 3803gg. Auditor; powers and duties—There shall be appointed by the President an auditor, at an annual salary of $6,000 for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the Government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the

attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: Provided, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditors shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpœnas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law (March 2, 1917, c. 145, § 20, 39 Stat. 957, amended June 7, 1924, c. 322, § 1, 43 Stat. 631.)

This section was amended by Act June 7, 1924, c 322, § 1, cited above, by changing the first paragraph to read as set forth above

§ 3803hh. Executive secretary; powers and duties—There shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, an executive secretary at an annual salary of $5,000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and until otherwise provided by the legislature of Porto Rico perform all the duties of secretary of Porto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.. (March 2, 1917, c. 145, § 22, 39 Stat. 958, amended, June 7, 1924, c 322, § 2, 43 Stat 631)

This section was amended by Act June 7, 1924, c 322, § 2, cited above, by changing the salary of the executive secretary from $1,000 to $5,000 per annum.

LEGISLATIVE DEPARTMENT

§ 3803o.

For increase of salary of resident commissioner, see ante, § 36

JUDICIAL DEPARTMENT

§ 3803q(1). Jurisdiction of offenses under National Prohibition Act—That there be, and is hereby, conferred upon the Territorial magistrates and courts of Porto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under the Act of October 28, 1919, known as the National Prohibition Act, and all Acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction. (Sept 21, 1922, c 365, 42 Stat. 993.)

This section is an act entitled "An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the National Prohibition Act and all Acts amendatory thereof or supplemental thereto," cited above

§ 3803rr. [Repealed in part.]

So much of this section (March 2, 1917, c. 145, § 43, 39 Stat 966) as permits a direct review by the Supreme Court of cases in the courts of Porto Rico, is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941.

Section 14 of said Act Feb. 13, 1925, c 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C.

MISCELLANEOUS PROVISIONS

§ 3803v. Salaries of officials—Except as in this Act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following named officials appointed by the President and also those appointed by the Governor of Porto Rico so to be paid shall be: The governor, $10,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive departments, $6,000; chief justice of the Supreme Court, $7,500; associate justice of the Supreme Court, $6,500.

Where any officer whose salary is fixed by this Act is required to give a bond, the premium thereof shall be paid from the insular treasury. (March 2, 1917, c. 145, § 50, 39 Stat. 967, amended, June 7, 1924, c. 322, § 3, 43 Stat. 631.)

This section was amended by Act June 7, 1924, c. 322, § 3, cited above, by changing the salaries of the heads of executive departments from $5,000 each to $6,000 each per an-

num, the salary of the chief justice of the Supreme Court from $6,500 to $7,500 per annum, and the salary of the associate justice of the Supreme Court from $5,500 to $6,500 per annum.

Chapter Three D—The Philippine Islands

§ 3812b. Export duties; franchises and privileges; indebtedness—No export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: Provided, however, That the entire indebtedness of the Philippine Government created by the authority conferred herein, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per centum of the aggregate tax valuation of its property, nor that of the city of Manila 10 per centum of the aggregate tax valuation of its property, nor that of any Province or municipality, a sum in excess of 7 per centum of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine Government, bonds not to exceed $10,000,000 in amount, issued by that Government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted. (Aug. 29, 1916, c. 416, § 11, 39 Stat. 548, amended, July 21, 1921, c 51, 42 Stat. 145, and May 31, 1922, c. 203, 42 Stat. 599)

This section was amended by Act July 21, 1921, c 51, § 1, 42 Stat 145, cited above, by making the proviso read as follows "Provided, however, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $30,000,000, exclusive of those obligations known as friar land bonds, nor that of any Province or municipality, a sum in excess of 7 per centum of the aggregate tax valuation of its property at any one time In computing the indebtedness of the Philippine government, bonds not to exceed $10,000,000 in amount issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted." Prior to this amendment the proviso read as follows: "Provided, however, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $15,000,000, exclusive of those obligations known as friar land bonds, nor that of any Province or municipality a sum in excess of seven per centum of the aggregate tax valuation of its property at any one time" It was again amended by Act May 31, 1922, c. 203, 42 Stat 599, cited above, by again amending the proviso to read as set forth above

§ 3814ff. Resident Commissioners; allowances for expenses—At the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature each house voting separately, two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of five thousand dollars per annum, and two thousand dollars additional to cover all expenses: Provided, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not thirty years of age. (July 1, 1902, c. 1369, § 8, 32 Stat 694)

This section was § 8 of an act entitled "An act temporarily to provide for the administration of the affairs of the civil government in the Philippine Islands, and for other purposes," cited above It has been superseded, except as to the provision for the payment to the Commissioners of $2,000 each additional to cover all expenses, by subsequent provisions of Act May 22, 1908, c 186, §§ 1 (U. S Comp St 1918, § 3817), and of Act Aug 29, 1916, c 416, § 20 (U S Comp St 1918, § 3815). For increase in salaries of resident commissioners, see ante, § 36.

[COINAGE AND CURRENCY]

§ 3897a. Temporary certificates of indebtedness—For the purpose set forth in section 6 of the Act approved March 2, 1903, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," the government of the Philippine Islands may issue temporary certificates of indebtedness under the conditions therein provided, in addition to the amount therein fixed, to a further amount not exceeding $10,000,000. (July 21, 1921, c. 51, 42 Stat 146.)

This section, and the section next following, are parts of Act July 21, 1921, c 51, cited above For the remainder of said act, see ante, § 3812b

For Act March 2, 1903, c. 980, § 6, see U. S. Comp St 1918, § 3897

§ 3897b. Same; act applicable—The act of the Philippine Legislature providing for the issue of temporary certificates of indebtedness within the conditions of section 6 of the Act of March 2, 1903, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," shall apply to the issue of additional certificates authorized by this Act. (July 21, 1921, c. 51, 42 Stat 146.)

See ante, note to § 3897a.

Chapter Three E—Guano Islands

§ 3924a. Sovereignty of United States extended over Swains Island—The sovereignty of the United States over American Samoa is hereby extended over Swains Island, which is made a part of American Samoa and placed under the jurisdiction of the administrative and judicial authorities of the government established therein by the United States. (March 4, 1925, c. 563, 43 Stat. 1357)

This section is a resolution entitled a "Joint resolution extending the sovereignty of the United States over Swains Island, and making the island a part of American Samoa," cited above. It is preceded by the following preamble: "Whereas Swains Island (otherwise known as Quiros, Gente Hermosa, Olosega, and Jennings Island) is included in the list of guano islands appertaining to the United States, which have been bonded under the Act of Congress approved August 18, 1856, and

"Whereas the island has been in the continuous possession of American citizens for over fifty years and no form of government therefor or for the inhabitants thereof has been provided by the United States Therefore be it Resolved," etc.

Chapter Three F—The Virgin Islands (The Danish West Indies)

§ 3924½bb. Colonial councils; eligibility to membership in—No person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123.)

From the Naval service appropriation act for the year 1922, cited above

§ 3924½cc. Income tax laws of United States in force—The income tax laws now in force in the United States of America and those which may here-

after be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands. (July 12, 1921, c. 44, § 1, 42 Stat. 123)

From the Naval service appropriation act for the year 1922, cited above

§ 3924¼ee. Quarantine and passport fees—Quarantine and passport fees collected in the Virgin Islands shall hereafter be paid into the treasuries of said islands. (July 1, 1922, c. 259, 42 Stat. 788)

From the Navy Department and Naval Service appropriation act for the year 1923, cited above.

TITLE XXV—CITIZENSHIP

§ 3948. [Repealed.]

This section (R. S. § 1994), relating to citizenship of women, was repealed by Act Sept. 22, 1922, c. 411, § 6, 42 Stat. 1022. Said repealing section provides that "such repeal shall not terminate citizenship acquired or retained under" this repealed section or Act March 2, 1907, c. 2534, § 4, 34 Stat. 1229, also repealed, "nor restore citizenship lost under section 4 of the Expatriation Act of 1907," repealed as above stated

§ 3951a. Indians serving in military or naval establishments during war with Germany—Every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property. (Nov. 6, 1919, c. 95, 41 Stat. 350.)

This is an act entitled "An act granting citizenship to certain Indians," cited above.

§ 3951aa. Indians declared citizens—That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. (June 2, 1924, c. 233, 43 Stat. 253.)

This section is an act entitled "An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians," cited above.

§ 3958. [Repealed.]

This section (Act March 2, 1907, c. 2534, § 1, 34 Stat. 1228), is repealed by Act June 4, 1920, c. 223, § 5, 41 Stat. 751.

§ 3960. [Repealed.]

This section (Act March 2, 1907, c. 2534, § 3, 34 Stat. 1228, relating to the citizenship of foreign women marrying citizens) was repealed by Act Sept. 22, 1922, c. 411, § 7, 42 Stat. 1022. Said repealing section provides that "such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section."

§ 3961. [Repealed.]

This section (Act March 2, 1907, c. 2534, § 4, 34 Stat. 1229, relating to the citizenship of American women marrying foreigners), was repealed by Act Sept. 22, 1922, c. 411, § 6, 42 Stat. 1022. Said repealing section provides that "such repeal shall not terminate citizenship acquired or retained under" this repealed section R. S. § 1994, also repealed, "nor restore citizenship lost under section 4 of the Expatriation Act of 1907," repealed as above stated

§ 3961a. Citizenship of women citizens of United States as affected by marriage; formal renunciation of citizenship; marriage to alien ineligible to citizenship; citizenship at termination of marriage status; effect of continuous residence outside of United States; expatriation laws not affected—A woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens. Provided, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes (§) 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation. (Sept. 22, 1922, c. 411, § 3, 42 Stat. 1022)

This section is section 3 of an act entitled "An act relative to the naturalization and citizenship of married women," cited above. Sections 1, 2, 4, 5, of said act, are set forth post, §§ 4358a-4358d, section 6 repeals R. S. § 1994, and Act March 2, 1907, c. 2534, § 1, section 7 repeals Act March 2, 1907, c. 2534, § 3. See, also, post, § 3961b

§ 3961b. Status of American woman marrying foreigner upon resumption of citizenship lost by such marriage—A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage. (Sept. 22, 1922, c. 411, § 7, 42 Stat. 1022.)

This section is a part of section 7 of Act Sept. 22, 1922, c. 411. The remainder of said section 7 repeals Act March 2, 1907, c. 2534, § 3 (see note to § 3960, ante). See, also, note to § 3961a, ante.

TITLE XXVII—THE FREEDMEN

§ 3978b. Freedmen's Hospital; admission of patients; charges for—Hereafter patients may be admitted to Freedmen's Hospital for care and treatment on the payment of such reasonable charges therefor as the Secretary of the Interior shall prescribe. All moneys so collected shall be paid into the Treasury to the credit of Freedmen's Hospital, to be disbursed under the supervision of the Secretary of the Interior for subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, repairs, furniture, and other absolutely necessary expenses incident to the management of the hospital. A report as to the expenditure thereof to be made annually to Congress. (June 26, 1912, c. 182, § 1, 37 Stat. 172.)

From the District of Columbia appropriation act for the year 1913, cited above.

TITLE XXVIII—INDIANS

Chapter One—Officers of Indian Affairs; Their Duties and Compensation

§ 3990b. Indian Service Inspectors; and expenses—For pay of special Indian Service inspector and four Indian Service inspectors, and actual traveling and incidental expenses, and not to exceed $4 per diem in lieu of subsistence when actually employed on duty in the field away from home or designated headquarters * *. (May 24, 1922, c 199, 42 Stat. 564 Jan. 24, 1923, c. 42, 42 Stat 1185 June 5, 1924, c. 264, 43 Stat. 396 March 3, 1925, c. 462, 43 Stat. 1146.)

From the Interior Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 4013a. Special agents—For pay of special agents, for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $4 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; * *. (May 24, 1922, c 199, 42 Stat 564 Jan. 24, 1923, c. 42, 42 Stat 1184 June 5, 1924, c. 264, 43 Stat. 396. March 3, 1925, c. 462, 43 Stat 1146.)

From the Interior Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 4021a. Disbursing officers; designation of clerk to act for—Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: Provided, That the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents (Feb. 14, 1920, c. 75, § 1, 41 Stat. 414.)

From the Indian appropriation act for the year 1921, cited above.

§ 4025. Heat and light for employés' quarters—The Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place. (May 24, 1922, c. 199, 42 Stat. 562. Jan. 24, 1923, c. 42, 42 Stat. 1183. June 5, 1924, c. 264, 43 Stat. 397. March 3, 1925, c. 462, 43 Stat. 1147.)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 4025a. Quarters, fuel, and light for certain employés of Indian Service—The Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor. Provided, That this authorization shall be retroactive to the extent of approving any expenditures for such purposes heretofore authorized by the Secretary of the Interior. (June 7, 1924, c. 328, 43 Stat. 634)

This section is an act entitled "An act to provide for quarters, fuel, and light for employees of the Indian field service," cited above

§ 4032a. Limitation on expenditure for compensation of employees not to include certain expenditures for salaries—Industrial Assistance and Advancement. * * The amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this Act shall not be included within the limitations on salaries and compensation of employees contained in the Act of August 24, 1912 (May 24, 1922, c. 199, 42 Stat 563. Jan 24, 1923, c. 42, 42 Stat. 1184. June 5. 1924, c. 264, 43 Stat. 399. March 3, 1925, c. 462, 43 Stat. 1149.)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts

§ 4033a. Payment of cost of inspection, etc., of coal for Indian Service—The cost of inspection, storage, transportation, and so forth, of coal for the Indian Service shall be paid from the support fund of the school or agency for which the coal is purchased. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 412)

From the Indian appropriation act for the year 1921, cited above.

§ 4033b. Indian police—For pay of Indian police, including chiefs of police at not to exceed $60 per month each and privates at not to exceed $40 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies. * * (May 24, 1922, c. 199, 42 Stat. 563. Jan. 24, 1923, c. 42, 42 Stat. 1184. June 5, 1924, c. 264, 43 Stat. 396. March 3, 1925, c. 462, 43 Stat. 1147)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

Chapter Two—Performance of Engagements Between The United States and Indians

§ 4078aa. Roll of membership of Indian tribes—The Secretary of the Interior is hereby authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls shall contain the ages and quantum of Indian blood, when approved by the said Secretary are hereby declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in section 28 of the Indian Appropriation Act approved May 25, 1918 (Fortieth Statutes at Large, pages 591 and 592), and shall be conclusive both as to ages and quantum of Indian blood: Provided, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians, or to the Chippewa Indians of Minnesota, or the Menominee Indians of Wisconsin. (June 30, 1919, c. 4, § 1, 41 Stat. 9.)

From the Indian appropriation act for the year 1920, cited above.

Chapter Three—Government and Protection of Indians

§ 4107a. Driving stock to feed on lands; penalty not applicable to Creek lands—Section twenty-one hundred and seventeen, Revised Statutes of the United States, shall not hereafter apply to Creek lands (March 1, 1901, c. 676, § 1, 31 Stat 871)

This section is a provision of an act entitled "An act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes," cited above

§ 4115a. Sale of plants or tracts not needed for administrative or allotment purposes—That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, non-reservation Government tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding $2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests All sales made under this Act shall be at public auction, to the highest and best bidder

And the Secretary of the Interior is further authorized where a tract to be disposed of under this or any other Act authorizing the disposition of tribal lands requires survey as basis for a deed or patent, to accept from the grantee, in addition to the purchase price, an amount sufficient to cover the survey costs.

The net proceeds of sale of any tribal site, plant, or tract shall be deposited in the Treasury of the United States to the credit of the Indians owning the same, to be disposed of for their benefit in accordance with existing law; and the net proceeds of sales of Government-owned nontribal plants or lands shall be deposited in the Treasury of the United States. (April 12, 1924, c. 93, 43 Stat. 93)

This section is an act entitled "An act to authorize the sale of lands and plants not longer needed for Indian administrative or allotment purposes," cited above

§ 4125a.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c. 462, 43 Stat. 1149, contains the following provisions.

"Industrial assistance and advancement. For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests, for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary, for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them, and for superintending and directing farming and stock raising among Indians, $422,000, of which sum not less than $50,000 shall be used for the employment of field matrons and nurses: Provided, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: Provided further, That not to exceed $30,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits" * *.

§ 4125c. Reimbursement for cattle destroyed—For reimbursing Indians for livestock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe * * *. (June 5, 1924, c 264, 43 Stat. 399. March 3, 1925, c. 462, 43 Stat 1150)

From the Interior Department appropriation act for the year 1926, cited above. The same provision is contained in a prior act.

Chapter Four—Government of Indian Country

§ 4136. Removing cattle from Indian country—Where restricted Indians are in possession or control of live stock purchased for or issued to them by the Government, or the increase therefrom, such stock shall not be sold, transferred, mortgaged, or otherwise disposed of, except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of the live stock belongs, and all transactions in violation of this provision shall be void All such live stock so purchased or issued and the increase therefrom belonging to restricted Indians and grazed in the Indian country shall be branded with the I D or reservation brand of the jurisdiction to which the owners of such stock belong, and shall not be removed from the Indian country except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of such live stock belongs, or by order of the Secretary of War, in connection with the movement of troops. Every person who violates the provisions of this section by selling or otherwise disposing of such stock, purchasing, or otherwise acquiring an interest therein, or by removing such stock from the Indian country, shall be fined in any sum not more than $1,000, or imprisoned for not more than six months, or both such fine and imprisonment. (R S § 2138, amended, June 30, 1919, c. 4, § 1, 41 Stat 9.)

This section was amended by Act June 30, 1919, c 4, § 1, cited above, to read as set forth above For this section as originally enacted, see U S Comp St 1918, § 4136

§ 4137aa. Possession of intoxicating liquors in Indian country—On and after July 1, 1919, possession by a person of intoxicating liquors in the Indian country or where the introduction is or was prohibited by treaty or Federal statute shall be an offense and punished in accordance with the provisions of the Acts of July 23, 1892 (Twenty-seventh Statutes at Large, page 260), and January 30, 1897 (Twenty-ninth Statutes at Large, page 506). (June 30, 1919, c 4, § 1, 41 Stat 4.)

This section is a provision of the Indian appropriation act for the fiscal year 1920, cited above. It supersedes a similar provision in Act May 25, 1918, c. 86, § 1, 40 Stat 563. Said Indian appropriation act also contains the following provision, immediately following this section. "Provided further, That the provisions of Article IX of the agreement with the Nez Perce Indians of Idaho dated May 1, 1893, and ratified and confirmed by the Act of Congress approved August 15, 1894 (Twenty-eighth Statutes at Large, pages 326-330), prohibiting the sale of intoxicating liquors to those Indians or its introduction upon their lands, are hereby extended for the period of ten years."

Chapter Four A—Education of Indians

§ 4163a. Indian Reform School; designation; commitments to—The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School," and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: Provided, That the appropriation for collection and transportation, and so forth, of pupils, and the specific appropriation for such school so selected shall be available for its support and maintenance. Provided further, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school. (June 21, 1906, c 3504, 34 Stat. 328.)

From the Indian appropriation act for the year 1907, cited above.

§ 4163b. Theodore Roosevelt Indian School—The Secretary of the Interior is hereby authorized to establish and maintain the former Fort Apache military post as an Indian boarding school for the purpose of carrying out treaty obligations, to be known as the Theodore Roosevelt Indian School * * * Provided, That the Fort Apache military post, and land appurtenant thereto, shall remain in the possession and custody of the Secretary of the Interior so long as they shall be required for Indian school purposes. (Jan. 24, 1923, c. 42, 42 Stat. 1187)

From the Interior Department appropriation act for the year 1924, cited above

§ 4166a. Patents of lands to missionary boards or religious organizations engaged in mission or school work on Indian reservations—The Secretary of the Interior is hereby authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station Provided, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners (Sept 21, 1922, c. 367, § 3, 42 Stat. 995)

This section is section 3 of an act entitled "An act extending time for allotments in the Crow Reservation, protecting certain members of the Five Civilized Tribes, relief of Indians occupying certain lands in Arizona, New Mexico, and California, issuing patents in certain cases, establishing a revolving fund on the Rosebud Reservation, memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes," cited above.

§ 4169. Leaves of absence to employees—Hereafter employees of the Indian schools may be allowed, in addition to annual leave, educational leave not to exceed thirty days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred (Aug. 24, 1912, c. 388, § 1, 37 Stat. 519, amended, Aug. 24, 1922, c 286, 42 Stat. 820.)

This section was amended by Act Aug 24, 1922, c 286, cited above, by striking out after the words "not to exceed," the word "fifteen," and inserting in lieu thereof the word "thirty"

§ 4170.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c. 462, 43 Stat. 1155, contains the following provisions.

"For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $90,000 Provided, That not exceeding $7,000 of this sum may be used for obtaining remunerative employment for Indians and, when necessary, for payment of transportation and other expenses to their places of employment Provided further, That when practicable such transportation and expenses shall be refunded and shall be returned to the appropriation from which paid. The provisions of this section shall also apply to native Indian pupils of school age under twenty-one years of age brought from Alaska."

§ 4170aaa. Expenditure of appropriations for school purposes, limitation on per capita expenditure—Hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than $270 shall be expended from appropriations made in this Act, or any other Act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than two hundred pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed $300 Provided, That the total amount appropriated for the support of such school shall not be exceeded: Provided further, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be based upon average attendance, determined by dividing the total daily attendance by the number of days the school is in session: Provided further, That all moneys appropriated for school purposes among the Indians for the fiscal year ending June 30, 1919, may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school (June 30, 1919, c 4, § 1, 41 Stat 6, amended, Feb 21, 1925, c. 280, 43 Stat 958)

This section, a provision of the Indian appropriation act for the year 1920, cited above was amended by Act Feb 21, 1925, c. 280, 43 Stat 958, cited above, by increasing the amounts of money stated therein from $225, and $250 to $270 and $300 It supersedes a similar provision in Act May 25, 1918, c 86, § 1, 40 Stat 565

§ 4171b. Discontinuance of certain schools—All reservation and nonreservation boarding schools, with an average attendance of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1926 The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: Provided further, That all day schools with an average attendance of less than eight shall be discontinued on or before the beginning of the fiscal year 1926· And provided further, That all moneys appropriated for any school discontinued pursuant to this Act or for other cause shall be returned immediately to the Treasury of the United States * * (May 24, 1922, c 199, 42 Stat 562 Jan. 24, 1923, c 42, 42 Stat 1182. June 5, 1924, c 264, 43 Stat 404. March 3, 1925, c. 462, 43 Stat. 1155)

From the Interior Department appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 4180b. Rules for enrollment and attendance of pupils—Hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools (Feb 14, 1920, c 75, § 1, 41 Stat 410.)

From the Indian appropriation act for the year 1921, cited above.

Chapter Four C—Allotment of Indian Lands

§ 4195.

Act Feb 25, 1920, c 87, 41 Stat 452, provides for allotments on the Flathead Reservation, Montana, to all unallotted, living children, enrolled with the tribe, enrolled or entitled to enrollment

Provisions for the allotment of lands of the Crow Tribe of Indians within the Crow Indian Reservation in Montana, and for the distribution of tribal funds, by Act June 4, 1920, c 224, 41 Stat 751. The time for making allotments on the Crow Reservation, Montana, as provided by this act was extended for a period of two years from Dec. 4, 1921, by Act Sept. 21, 1922, c 367, 42 Stat 994

Act March 3, 1921, c 135, 41 Stat 1355, provides for the enrollment of the Indians of the Gros Ventre and Assiniboine Tribes in the Fort Belknap Reservation, Montana, and for the allotment among such enrolled Indians of the unreserved and undisposed of lands on said reservation; declares the Indians to whom trust patents for such allotted lands shall be issued to be citizens of the United States, provides for reservation from allotment of lands chiefly valuable for the development of water power, and for Indian agency, school, religious, cemetery and admin-

trative purposes; provides for the reservation of certain f said lands for park purposes and for a site for a sanarium for the benefit of said Indians, provides for the sue of patents for a certain limited number of acres of id lands to missionary, religious and educational purpos-, provides for the examination of said lands, prior to eir allotment, to determine the mineral character thereof, rovides for the reservation of coal on said lands for cerain purposes, provides that the timber lands shall remain tribal property and for the use of the timber therein by the Indians, provides for the reservation and disposition of town-sites on said lands, provides for the construction of irrigation projects on said lands, provides for he grant of certain of said lands to the state of Montana or school lands and makes an appropriation to carry out he purposes of the act

Act March 4, 1923, c. 297, 42 Stat. 1561, reads as follows "That the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma, under the provisions of the agreement with said tribe of Indians as ratified and confirmed by the Act of Congress of July 1, 1902 (Thirty-second Statutes at Large, page 636), be, and is hereby, extended for a period of twenty-five years from the date of the approval of this Act in all cases where the allottees have not reached the age of majority."

Act April 12, 1924, c. 95, 43 Stat 94, provides that any right to an interest in lands, money, or mineral interests, as provided in Act June 28, 1906, c 3572, 34 Stat 539 (Osage Indians), and in the amendatory and supplemental acts, vested in, determined, or adjudged to be the right or property of any person not an Indian by blood, may, with the approval of the Secretary of the Interior, and not otherwise, be sold, assigned, and transferred under such rules and regulations as the Secretary of the Interior may prescribe

Act May 19, 1924, c. 158, 43 Stat. 132, provides for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in Wisconsin

Act June 2, 1924, c. 231, 43 Stat 252, reads as follows.

"The allotments of Blackfeet Indians designated as homesteads under section 10 of the Act of June 30, 1919 (Forty-first Statutes at Large, page 16), imposing restrictions on alienation, shall after the death of the original allottee be subject to partition, sale, issuance of patents in fee, or any other disposition authorized by existing law relating to Indian allotments."

Act June 4, 1924, c 253, 43 Stat 376, reads as follows:

"That the Eastern Band of Cherokee Indians of North Carolina is hereby authorized, pursuant to the resolution of its council adopted the 6th day of November, 1919, to convey to the United States of America, in trust, all land, money, and other property of said band for final disposition thereof as hereinafter provided, and the United States will accept such conveyance when approved by the Secretary of the Interior.

"2. That upon approval of such conveyance the Secretary of the Interior shall cause to be prepared a roll of the members of said band, to contain the names of all living on the date of this Act, and no person born after that date shall be entitled to enrollment.

"The roll shall show the name, age, sex, and degree of Cherokee Indian blood, and separately of that derived from any other Indian ancestor, of each member. The day of the month indicating the birthday of each member shall also be shown upon said roll: Provided, That if such date is unknown and cannot be ascertained, the date of the entry of the name on the schedule shall be taken for the purposes of this Act to be the birth date of the member to whom the entry applies.

"Said roll when approved by the Secretary of the Interior shall be final and conclusive as to the membership of said band, and as to the ages and degree of Indian blood of the members, but clerical changes relating to the names of such members or to sex designations may be made at any time thereafter.

"3. That in the preparation of said roll due consideration shall be given to all rolls and lists heretofore made of the membership of said band, together with any evidence elicited in the course of any investigations, and to all documents and records on file in the Interior Department or any of its bureaus or offices.

"The fact that the name of any person appears on any such roll or list shall not be accepted to establish, conclusively, his right or that of his descendants to enrollment. Nor shall the absence of his name from such former rolls conclusively bar any person or his descendants from enrollment.

"That in the preparation of said roll the act of the State of North Carolina of March 8, 1895, chapter 166, entitled 'An Act to amend chapter 211, laws of 1889, relating to the charter of the Eastern Band of Cherokee Indians' shall be disregarded.

"Applications for enrollment may be presented in such manner and within such time as may be prescribed by regulations made by the Secretary of the Interior, but lack of application shall not prevent consideration of the right to enrollment of any person whose name appears on any former roll and his descendants or of any name brought in any manner to the attention of those in charge of the enrollment work, including the names of those persons of Cherokee Indian blood living July 27, 1868, in any of the counties of North Carolina, in which the common lands of said band are located, or in any of the contiguous counties of that State or of the States of Georgia and Tennessee, and of their descendants

"4 That the lands so conveyed shall be surveyed, where found necessary, and divided into appropriate tracts or parcels and appraised at their true value as of the date of such appraisement, without consideration being given to the location thereof or to any mineral deposits therein or to improvements thereon, but such appraisement shall include all merchantable timber on all allottable lands

"5 That reservations from allotment may be made, in the discretion of the Secretary of the Interior, of lands for cemeteries, schools, water-power sites, rights of way, and for other public purposes, with proper safeguards, however, for compensation to individuals who may suffer losses by reason of such reservations.

"There may also be reserved any tract chiefly valuable because of the timber or of stone, marble, or other quarries thereon, or which by reason of location or topographical features may be unsuitable for allotment purposes

"Any land or other property reserved from allotment as above provided and lands not needed for allotments may be sold at such time, in such manner, and upon such terms as the Secretary may direct, and the proceeds of such sale shall be added to the funds of the band Provided, That in the sale of timberlands the timber and the land may be sold separately

"Conveyances under such sales shall be made as provided in the case of conveyances to allottees

"6 That all oil, gas, coal, and other mineral deposits on said lands are hereby reserved to said band for a period of twenty-five years from the date of this Act, and during such period said deposits may be leased for prospecting and mining purposes by the Secretary of the Interior, for such periods (not exceeding the period for which such minerals are reserved) and upon such terms and conditions as he may prescribe. Provided, That at the end of such twenty-five year period all such deposits shall become the property of the individual owner of the surface of such land, unless Congress shall otherwise provide

"7 That all improvements on the lands of said band of a permanent and substantial character shall be appraised separately from the lands upon which the same may be, and shall be listed in the names of the members of the band prima facie entitled thereto, but the designation of ownership shall be tentative only until the true ownership thereof is ascertained and declared, after due notice and hearing. The right to have such improvements appraised, and to make disposition thereof, shall extend to all members, except tenants, owning such improvements at the date of this Act.

"Any person held to be the owner of improvements may remove the same, where found to be practicable, within ninety days from the date they are declared to belong to him, or may, within that period, dispose of the same at not more than the appraised value to any member of the band entitled to receive an allotment, under regulations to be prescribed: Provided, That the vendor shall have a lien upon the rents and profits accruing from the tract on which such improvements may be located until the purchase price thereof is fully paid.

"8. That the lands and money of said band shall be allotted and divided among the members thereof so as to give each an equal share of the whole in value, as nearly as may be, and to accomplish that the value of the standard allotment share shall be determined by dividing the total appraised value of all allotted and allottable lands by the total number of enrolled members.

"If any member shall fail to receive his full share of the tribal lands, he shall be entitled to the payment of money so as to adjust the difference as nearly as possible. If any member shall receive an allotment exceeding in value his full share of the tribal lands, the difference shall be adjusted by deduction from his distributive share of the tribal funds.

"9. That when the tracts available for allotments are ascertained, each member of the said band may apply for a tract or tracts of land to the extent of thirty acres, as nearly as practicable, to include his home and improvements, if he so desires, and the selection so made shall be final as to the right to occupy and use the land so applied for as against all other members if no contest is filed against such selection within ninety days from and after formal application is made therefor: Provided, That any person claiming the right to select any given tract of land by reason of the purchase of improvements thereon shall have ninety days to make application therefor from and after the date of approval of any sale conveying to him said improvements, and such application shall become final as in other cases, subject to the right of any other member to contest such selection, ninety days from and after the same is duly made All contests shall be instituted and heard pursuant to the rules and regulations of the Interior Department applicable thereto. Any allotment selection may be modified or limited, in the discretion of those in charge of the work, so as to give the selector of adjacent or contiguous lands access to firewood and drinking water.

"10. That adults may select their own allotments, where mentally capable of so doing, but allotments for minors may be selected by their father or mother, in the order

named, or by the officers in charge of the allotment work The said officers may also select allotments for prisoners, convicts, aged, infirm, and insane or otherwise mentally incompetent members and for the estates of deceased members and, if necessary to complete any allotments or to bring the allotment work to a close, may make arbitrary selections for and on behalf of any member of said band

"11 That allotments may be selected for the members of any family, wherever practicable, from contiguous lands or other lands held by the head of the family, including both adult and minor children and such other relatives as are members of the household Provided, That if any adult child shall claim the benefit of this section, he shall not be entitled as a matter of right to have his selection made from the lands desired by his father or mother or from lands needed by any minor member of the family for allotment purposes, but this shall not prevent selection of lands outside the family holdings if desired.

"12 That where annuity or other payments to individuals have heretofore been suspended because their enrollment status has been questioned, the amounts involved in such suspended payments shall be paid to individuals found entitled to enrollment or to their heirs, and all funds of said band, after making such payments and after payments needed for equalizing allotments as hereinbefore provided and all other payments herein directed to be made, shall be distributed per capita among the enrolled members of said band and the heirs of those who shall die before distribution is completed, and shall be paid to the distributees or conserved and used for their benefit, according to whether they belong to the restricted or unrestricted class, at such time and in such manner as shall be deemed advisable

"13 That any member of said band whose degree of Indian blood is less than one-sixteenth may, in the discretion of the Secretary of the Interior, be paid a cash equivalent in lieu of an allotment of land. Any person desiring to avail himself of this provision may make application to the officers in charge of the allotment work at any time within ninety days after the date of the approval of the final roll, and preference shall be given in the order of application The said officers shall have the power to add to the register of such names the names of any other members of the same class, including minors for whom no application is made, for such time as may be allowed for the purpose by the regulations Applications should be made in person by adults and for minors by their fathers or mothers, in the order named.

"14 That if any member shall claim that he is the owner of a so-called private land claim, for the reason that money was advanced by him or his ancestor to pay in whole or in part for any land the title to which is now in the band, such claim may be submitted to and equitably adjusted by the Secretary of the Interior, whose decision thereon shall be final and not subject to review by the courts In such adjustment due consideration shall be given to matters presented by the band in the way of offsets or counterclaims.

"15 That a certificate of allotment shall be issued to each allottee upon the expiration of the contest period, if no contest is then pending, or, if a contest is then pending, upon final disposition thereof, but shall be dated as of the date of selection Each certificate shall contain the name and roll number of the allottee, and the legal effect thereof shall be to give the allottee the right to occupy and use the surface of the land described therein, as against each and every other member of the band, but not as against the band itself, or against the United States: Provided, That the Secretary of the Interior may cancel any certificate of allotment at any time before title to the land described therein is conveyed to the allottee, if in his judgment said land should be reserved for allotment for any purpose herein authorized or for any other good and sufficient reason, but before such action is taken the allottee shall have due notice and opportunity to be heard. If any such certificate shall be revoked, the allottee may select other lands as if no certificate had been issued to him

"16. That as soon as practicable after a certificate of allotment is issued there shall be issued to the allottee a deed conveying all right, title, and interest of the United States, as trustee, and of the band, and of every other member thereof, in and to the land described in said certificate Each deed shall recite the roll number and degree of Indian blood of the grantee and shall be executed by or in the name of the Secretary of the Interior, who is hereby authorized to designate any clerk or employee of the department to sign his name for him to all such deeds.

"Each deed, when so issued, shall be recorded in the office of the recorder of deeds for the county in which the land conveyed thereby is located When so recorded title to the land shall vest in the allottee subject to the conditions, limitations, and restrictions herein imposed. Upon the recording of any deed it shall be the duty of the officers representing the Government of the United States to deliver it to the allottee named therein.

"17. That if any member enrolled as provided in this Act shall die before receiving his distributive share of the band or tribal property, the land and moneys to which he would be entitled, if living, shall descend to his heirs according to the laws of the State of North Carolina and be distributed to them accordingly, but in all such cases the allotment and deed therefor shall be made in the name of the deceased ancestor and shall be given the same force and effect as if made during his lifetime. Provided, That the provisions of the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes, page 855), as amended by the Act of Congress of February 14, 1913 (Thirty-seventh Statutes, page 678), relating to the determination of heirs and approval of wills by the Secretary of the Interior, and to other matters, are hereby made applicable to the persons and estates of the members of the said band, and in the construction of said Acts no distinction shall be made between restricted lands and moneys and those conveyed or held in trust

"18 That leases of lands allotted under this Act may be made during the restricted period for any purpose and for any term of years, under rules and regulations to be prescribed by the Secretary of the Interior Provided, That such leases shall be executed on behalf of minors and other incompetents, including any Indian deemed to be incapable, mentally or physically, of managing his business affairs properly and with benefit to himself and in their names, by a duly authorized representative of the Indian Service designated by said Secretary for the purpose Provided further, That all leases of unpartitioned estates shall be so made and approved unless all of the Indian heirs or owners are of the unrestricted class, and shall be subject to supervision during the restricted period the same as leases made on other restricted lands, but all rents and royalties accruing therefrom to unrestricted owners shall be paid, by the proper officers of the Indian Service, to such owners at the earliest date practicable after the collection thereof

"Parents may use the lands allotted to their children and receive the rents and profits arising therefrom during the minority of such children Provided, That this privilege may be revoked by the Commissioner of Indian Affairs at any time while said lands are restricted for such cause as may by him be deemed good and sufficient.

"19 That lands allotted under this Act shall not be alienable, either by voluntary or enforced sale by the allottee or his heirs or otherwise, for a period of twenty-five years from and after the date when the deed conveying such land to the allottee is recorded as directed herein: Provided, That upon the completion of the allotments and the recording of the deeds as herein directed each allottee shall become a citizen of the United States and a citizen of the particular State wherein he (or she) may reside, with all the rights, privileges, and immunities of such citizens Provided further, That the Secretary of the Interior may, in his discretion, at any time after a deed is recorded remove the restrictions on the lands described therein, either with or without application by the owner or owners, under such rules and regulations or special orders governing the terms of sale and the disposition of the proceeds as he shall prescribe

"20. That lands allotted under this Act shall not be subjected or held liable to any form of personal claim, or demand, against the allottee, arising or existing prior to the removal of restrictions, and any attempted alienation or incumbrance of restricted land by deed, mortgage, contract to sell, power of attorney, or other method of incumbering real estate, except leases specifically authorized by law, made before or after the approval of this Act and prior to removal of restrictions therefrom, shall be absolutely null and void.

"21. That all lands, and other property, of the band, or the members thereof, except funds held in trust by the United States, may be taxed by the State of North Carolina, to and including the tax year following the date of this Act. Such taxes shall be paid from the common funds of said band for such period, except upon such tracts as shall have been lawfully sold prior to the date when tax assessments can be made thereon under the State law. All tax assessments made pursuant to this Act on restricted allotments or undivided tribal property held in trust by the United States shall be subject to revision by the Commissioner of Indian Affairs for a period of one year following the date when such assessments are spread on the local tax rolls, but if he shall take no action thereon during said year, such assessments shall be final, but this shall not be construed to deprive any allottee of any remedy to which he would be entitled under the State law: Provided, That such restricted and undivided property shall be exempt from sale for unpaid taxes for two years from the date when such taxes become due and payable, and no penalty for delinquency in the payment of such taxes shall be charged or collected for or during said period, so that Congress may have an opportunity to make provision for the payment of such taxes if the band, or tribal, funds are found insufficient for the purpose.

"After the expiration of the tax year following that in which this Act is approved all lands allotted to members of said band, from which restrictions shall have been removed, shall be subject to taxation the same as other lands. But from and after the expiration of said tax year all restricted allotments and undivided property shall be exempt from taxation until the restrictions on the aliena-

tion of such allotments are removed or the title of the band to such undivided property is extinguished

"22 That the removal of restrictions upon allotted lands shall not deprive the United States of the duty or authority to institute and prosecute such action in its own name, in the courts of the United States, as may be necessary to protect the rights of the allottees, or of their heirs, until the said band shall be dissolved by congressional action, unless the order removing such restrictions is based upon an express finding that the Indian to whom it relates is fully competent and capable of managing his own affairs

"23 That the authority of the Eastern Band of Cherokee Indians of North Carolina to execute conveyances of lands owned by said band, or any interest therein, is recognized, and any such conveyance heretofore made, whether to the United States or to others, shall not be questioned in any case where the title conveyed or the instrument of conveyance has been or shall be accepted or approved by the Secretary of the Interior

"24 That the reinvestment of the proceeds arising from the sale of surplus and unallotted lands of said band in other lands in the vicinity of the Indian school at Cherokee, North Carolina, is hereby authorized, in the discretion of the Secretary of the Interior, and lands so purchased may be allotted as provided for herein respecting the allotment of lands now owned by said band

"25 That all things provided for herein shall be done under the direction of the Secretary of the Interior, who is authorized to prescribe needed rules and regulations

"All questions as to enrollment and as to all other matters involving the disposition of the lands or moneys of said band, or of the members thereof, shall be decided by the Secretary of the Interior, and such decision as to any matter of fact or law shall be final.

"26 That in addition to any sum or sums heretofore or hereafter regularly appropriated for salaries and expenses, there is hereby authorized to be appropriated, from the funds of the United States in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, for the payment of such expenses as shall be necessarily incurred, including the salaries of additional employees in the administration of this Act"

Act June 7, 1924, c. 331, 43 Stat 636, reads as follows

"That in order to quiet title to various lots, parcels, and tracts of land in the State of New Mexico for which claim shall be made by or on behalf of the Pueblo Indians of said State as hereinafter provided, the United States of America, in its sovereign capacity as guardian of said Pueblo Indians shall, by its Attorney General, file in the District Court of the United States for the District of New Mexico, its bill or bills of complaint with a prayer for discovery of the nature of any claim or claims of any kind whatsoever adverse to the claim of said Pueblo Indians, as hereinafter determined.

"2 That there shall be, and hereby is, established a board to be known as 'Pueblo Lands Board' to consist of the Secretary of the Interior, the Attorney General, each of whom may act through an assistant in all hearings, investigations, and deliberations in New Mexico, and a third member to be appointed by the President of the United States The board shall be provided with suitable quarters in the city of Santa Fe, New Mexico, and shall have power to require the presence of witnesses and the production of documents by subpœna, to employ a clerk who shall be empowered to administer oaths and take acknowledgments, shall employ such clerical assistance, interpreters, and stenographers with such compensation as the Attorney General shall deem adequate, and it shall be provided with such necessary supplies and equipment as it may require on requisitions to the Department of Justice. The compensation and allowance for travel and expenses of the member appointed by the President shall be fixed by the Attorney General.

"It shall be the duty of said board to investigate, determine, and report and set forth by metes and bounds, illustrated where necessary by field notes and plats, the lands within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico by any authority of the United States of America, or any prior sovereignty, or acquired by said Indians as a community by purchase or otherwise, title to which the said board shall find not to have been extinguished in accordance with the provisions of this Act, and the board shall not include in their report any claims of non-Indian claimants who, in the opinion of said board after investigation, hold and occupy such claims of which they have had adverse possession, in accordance with the provisions of section 4 of this Act: Provided, however, That the board shall be unanimous in all decisions whereby it shall be determined that the Indian title has been extinguished.

"The board shall report upon each pueblo as a separate unit and upon the completion of each report one copy shall be filed with the United States District Court for the District of New Mexico, one with the Attorney General of the United States, one with the Secretary of the Interior, and one with the Board of Indian Commissioners.

"3 That upon the filing of each report by the said board, the Attorney General shall forthwith cause to be filed in the United States District Court for the District of New Mexico, as provided in section 1 of this Act, a suit to quiet title to the lands described in said report as Indian lands the Indian title to which is determined by said report not to have been extinguished

"4 That all persons claiming title to, or ownership of any lands involved in any such suit, or suits, may in addition to any other legal or equitable defenses which they may have or have had under the laws of the Territory and State of New Mexico, plead limitation of action, as follows, to wit

"(a) That in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open, notorious, actual, exclusive, continuous, adverse possession of the premises claimed, under color of title from the 6th day of January, 1902, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation, or adverse possession of the Territory or of the State of New Mexico, since the 6th day of January, 1902, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment

"(b) That in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open, notorious, actual, exclusive, continuous, adverse possession of the premises claimed with claim of ownership, but without color of title from the 16th day of March, 1889, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation or adverse possession of the Territory or of the State of New Mexico, from the 16th day of March, 1899, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment

"Nothing in this Act contained shall be construed to impair or destroy any existing right of the Pueblo Indians of New Mexico to assert and maintain unaffected by the provisions of this Act their title and right to any land by original proceedings, either in law or equity, in any court of competent jurisdiction and any such right may be asserted at any time prior to the filing of the field notes and plats as provided in section 13 hereof, and jurisdiction with respect to any such original proceedings is hereby conferred upon the United States District Court for the District of New Mexico with right of review as in other cases. Provided, however, That any contract entered into with any attorney or attorneys by the Pueblo Indians of New Mexico, to carry on such litigation shall be subject to and in accordance with existing laws of the United States

"5 The plea of such limitations, successfully maintained, shall entitle the claimants so pleading to a decree in favor of them, their heirs, executors, successors, and assigns for the premises so claimed by them, respectively, or so much thereof as may be established, which shall have the effect of a deed of quitclaim as against the United States and said Indians, and a decree in favor of claimants upon any other ground shall have a like effect

"The United States may plead in favor of the pueblo, or any individual Indian thereof, as the case might be, the said limitations hereinbefore defined

"6 It shall be the further duty of the board to separately report in respect of each such pueblo—

"(a) The area and character of any tract or tracts of land within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico and the extent, source, and character of any water right appurtenant thereto in possession of non-Indian claimants at the time of filing such report, which are not claimed for said Indians by any report of the board

"(b) Whether or not such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right of the United States or of said Indians. Seasonable prosecution is defined to mean prosecution by the United States within the same period of time as that within which suits to recover real property could have been brought under the limitation statutes of the Territory and State of New Mexico

"(c) The fair market value of said water rights and of said tract or tracts of land (exclusive of any improvements made therein or placed thereon by non-Indian claimants) whenever the board shall determine that such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right of the United States or of said Indians, and the amount of loss, if any, suffered by said Indians through failure of the United States seasonably to prosecute any such right.

"The United States shall be liable, and the board shall award compensation, to the pueblo within the exterior boundaries of whose lands such tract or tracts of land shall be situated or to which such water rights shall have been appurtenant to the extent of any loss suffered by said Indians through failure of the United States seasonably to prosecute any right of the United States or of said Indians, subject to review as herein provided Such report and award shall have the force and effect of a judicial finding and final judgment upon the question and amount of compensation due to the Pueblo Indians from the United States for such losses Such report shall be filed simultaneously with and in like manner as the reports here-

inbefore provided to be made and filed in section 2 of this Act

"At any time within sixty days after the filing of said report with the United States District Court for the District of New Mexico as herein provided the United States or any pueblo or Indians concerned therein or affected thereby may, in respect of any report upon liability or of any finding of amount or award of compensation set forth in such report, petition said court for judicial review of said report, specifying the portions thereof in which review is desired Said court shall thereupon have jurisdiction to review, and shall review, such report, finding, or award in like manner as in the case of proceedings in equity In any such proceeding the report of the board shall be prima facie evidence of the facts, the values, and the liability therein set forth, subject, however, to be rebutted by competent evidence Any party in interest may offer evidence in support or in opposition to the findings in said report in any respect Said court shall after hearing render its decision so soon as practicable, confirming, modifying, or rejecting said report or any part thereof At any time within thirty days after such decision is rendered said court shall, upon petition of any party aggrieved, certify the portions of such report, review of which has been sought, together with the record in connection therewith, to the United States Circuit Court of Appeals for the Eighth Circuit, which shall have jurisdiction to consider, review, and decide all questions arising upon such report and record in like manner as in the case of appeals in equity, and its decision thereon shall be final

"Petition for review of any specific finding or award of compensation in any report shall not affect the finality of any findings nor delay the payment of any award set forth in such report, review of which shall not have been so sought, nor in any proceeding for review in any court under the provisions of this section shall costs be awarded against any party

"7 It shall be the further duty of the board to investigate, ascertain, and report to the Secretary of the Interior who shall report to the Congress of the United States, together with his recommendation, the fair market value of lands, improvements appurtenant thereto, and water rights of non-Indian claimants who, in person or through their predecessors in title prior to January 6, 1912, in good faith and for a valuable consideration purchased and entered upon Indian lands under a claim of right based upon a deed or document purporting to convey title to the land claimed or upon a grant, or license from the governing body of a pueblo to said land, but fail to sustain such claim under the provisions of this Act, together with a statement of the loss in money value thereby suffered by such non-Indian claimants Any lands lying within the exterior boundaries of the pueblo of Nambe land grant, which were conveyed to any holder or occupant thereof or his predecessor or predecessors in interest by the governing authorities of said pueblo, in writing, prior to January 6, 1912, shall unless found by said board to have been obtained through fraud or deception, be recognized as constituting valid claims by said board and by said courts, and disposed of in such manner as lands the Indian title to which has been determined to have been extinguished pursuant to the provisions of this Act: Provided, That nothing in this section contained with reference to the said Nambe Pueblo Indians shall be construed as depriving the said Indians of the right to impeach any such deed or conveyance for fraud or to have mistakes therein corrected through a suit in behalf of said pueblo or of an individual Indian under the provisions of this Act

"8. It shall be the further duty of the board to investigate, ascertain, and report to the Secretary of the Interior the area and the value of the lands and improvements appurtenant thereto of non-Indian claimants within or adjacent to Pueblo Indian settlements or towns in New Mexico, title to which in such non-Indian claimants is valid and indefeasible, said report to include a finding as to the benefit to the Indians in anywise of the removal of such non-Indian claimants by purchase of their lands and improvements and the transfer of the same to the Indians, and the Secretary of the Interior shall report to Congress the facts with his recommendations in the premises

"9 That all lands, the title to which is determined in said suit or suits, shall, where necessary, be surveyed and mapped under the direction of the Secretary of the Interior, at the expense of the United States, but such survey shall be subject to the approval of the judge of the United States District Court for the District of New Mexico, and if approved by said judge shall be filed in said court and become a part of the decree or decrees entered in said district court

"10. That necessary costs in all original proceedings under this Act, to be determined by the court, shall be taxed against the United States and any party aggrieved by any final judgment or decree shall have the right to a review thereof by appeal or writ of error or other process, as in other cases, but upon such appeal being taken each party shall pay his own costs.

"11. That in the sense in which used in this Act the word 'purchase' shall be taken to mean the acquisition of community lands by the Indians other than by grant or donation from a sovereign.

"12. That any person claiming any interest in the premises involved but not impleaded in any such action may be made a party defendant thereto or may intervene in such action, setting up his claim in usual form.

"13 That as to all lands within the exterior boundaries of any lands granted or confirmed to the Pueblo Indians of New Mexico, by any authority of the United States of America or any prior sovereignty, or acquired by said Indians as a community by purchase or otherwise and which have not been claimed for said Indians by court proceedings then pending or the findings and report of the board as herein provided, the Secretary of the Interior at any time after two years after the filing of said reports of the board shall file field notes and plat for each pueblo in the office of the surveyor general of New Mexico at Santa Fe, New Mexico, showing the lands to which the Indian title has been extinguished as in said report set out, but excluding therefrom lands claimed by or for the Indians in court proceedings then pending, and copies of said plat and field notes certified by the surveyor general of New Mexico as true and correct copies shall be accepted in any court as competent and conclusive evidence of the extinguishment of all the right, title, and interest of the Indians in and to the lands so described in said plat and field notes and of any claim of the United States in or to the same And the Secretary of the Interior within thirty days after the Indians' right to bring independent suits under this Act shall have expired, shall cause notice to be published in some newspaper or newspapers of general circulation issued, if any there be, in the county wherein lie such lands claimed by non-Indian claimants, respectively or wherein some part of such lands are situated, otherwise in some newspaper or newspapers of general circulation published nearest to such lands, once a week for five consecutive weeks, setting forth as nearly as may be the names of such non-Indian claimants of land holdings not claimed by or for the Indians as herein provided, with a description of such several holdings, as shown by a survey of Pueblo Indian lands heretofore made under the direction of the Secretary of the Interior and commonly known as the 'Joy Survey,' or as may be otherwise shown or defined by authority of the Secretary of the Interior, and requiring that any person or persons claiming such described parcel or parcels of land or any part thereof, adversely to the apparent claimant or claimants so named as aforesaid, or their heirs or assigns, shall, on or before the thirtieth day after the last publication of such notice, file his or their adverse claim in the United States Land Office in the land district wherein such parcel or parcels of land are situate, in the nature of a contest, stating the character and basis of such adverse claim, and notice of such contest shall be served upon the claimant or claimants named in the said notice, in the same manner as in cases of contest of homestead entries If no such contest is instituted as aforesaid, the Secretary of the Interior shall issue to the claimant or claimants, or their heirs or assigns, a patent or other certificate of title for the parcel or parcels of land so described in said notice, but if a contest be filed it shall proceed and be heard and decided as contests of homestead entries are heard and decided under the rules and regulations of the General Land Office pertinent thereto Upon such contest either party may claim the benefit of the provisions of section 4 of this Act to the same extent as if he were a party to a suit to quiet title brought under the provisions of this Act, and the successful party shall receive a patent or certificate of title for the land as to which he is successful in such proceeding. Any patent or certificate of title issued under the provisions of this Act shall have the effect only of a relinquishment by the United States of America and the said Indians

"If after such notice more than one person or group of persons united in interest makes claim in such land office adverse to the claimant or claimants named in the said notice, or to any other person or group of persons who may have filed such contest, each contestant shall be required to set forth the basis and nature of his respective claim, and thereupon the said claims shall be heard and decided as upon an original contest or intervention.

"And in all cases any person or persons whose right to a given parcel or parcels of land has become fixed either by the action of the said board or the said court or in such contest may apply to the Commissioner of the General Land Office for a patent or certificate of title and receive the same without cost or charge

"14. That if any non-Indian party to any such suit shall assert against the Indian title a claim based upon a Spanish or Mexican grant, and if the court should finally find that such claim by the non-Indian is superior to that of the Indian claim, no final decree or judgment of ouster of the said Indians shall be entered or writ of possession or assistance shall be allowed against said Indians, or any of them, or against the United States of America acting in their behalf In such case the court shall ascertain the area and value of the land thus held by any non-Indian claimant under such superior title, excluding therefrom the area and value of lots or parcels of land the title to which has been found to be in other persons under the provisions of this Act. Provided, however, That any findings by the court under the provisions of this section may be reviewed on appeal or writ of error at the instance of any party aggrieved thereby, in the same manner, to the

same extent, and with like effect as if such findings were a final judgment or decree When such finding adverse to the Indian claim has become final, the Secretary of the Interior shall report to Congress the facts, including the area and value of the land so adjudged against the Indian claim, with his recommendations in the premises

"15 That when any claimant, other than the United States for said Indians not covered by the report provided for in section 7 of this Act, fails to sustain his claim to any parcel of land within any Pueblo Indian grant, purchase, or donation under the provisions of this Act, but has held and occupied any such parcel in good faith, claiming the same as his own, and the same has been improved, the value of the improvements upon the said parcel of land shall be found by the court and reported by the Secretary of the Interior to Congress, with his recommendations in the premises

"16. That if any land adjudged by the court or said lands board against any claimant be situate among lands adjudicated or otherwise determined in favor of non-Indian claimants and apart from the main body of the Indian land, and the Secretary of the Interior deems it to be for the best interest of the Indians that such parcels so adjudged against the non-Indian claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash, and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance thereof, if any, shall be paid over to the proper officer, or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated.

"17. No right, title, or interest in or to the lands of the Pueblo Indians of New Mexico to which their title has not been extinguished as hereinbefore determined shall hereafter be acquired or initiated by virtue of the laws of the State of New Mexico, or in any other manner except as may hereafter be provided by Congress, and no sale, grant, lease of any character, or other conveyance of lands, or any title or claim thereto, made by any pueblo as a community, or any Pueblo Indian living in a community of Pueblo Indians, in the State of New Mexico, shall be of any validity in law or in equity unless the same be first approved by the Secretary of the Interior

"18. That the pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this Act as in other civil causes in the Federal courts, except as otherwise herein provided

"19. That all sums of money which may hereafter be appropriated by the Congress of the United States for the purpose of paying in whole or in part any liability found or decreed under this Act from the United States to any pueblo or to any of the Indians of any pueblo, shall be paid over to the Bureau of Indian Affairs, which Bureau, under the direction of the Secretary of the Interior, shall use such moneys at such times and in such amounts as may seem wise and proper for the purpose of the purchase of lands and water rights to replace those which have been lost to said pueblo or to said Indians, or for purchase or construction of reservoirs, irrigation works, or the making of other permanent improvements upon, or for the benefit of lands held by said pueblo or said Indians"

Act March 3, 1925, c 431, 43 Stat. 1114, reads as follows

"That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to cancel any restricted fee patents that have been issued to Indians of the Winnebago Reservation in Nebraska, under the provisions of the Act of Congress of February 21, 1863 (Twelfth Statutes at Large, page 658), and to issue in lieu thereof, to the original allottees, or heirs, trust patents of the form and subject to all the provisions set out in the general allotment act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388) as amended Provided, That the trust period shall be ten years from the date of issuance of the lieu trust patents."

Act Feb. 27, 1925, c. 359, 43 Stat. 1008, reads as follows: "The Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency, his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this Act and remaining unpaid, and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency $1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian in the discretion of the Secretary of the Interior the total amounts of such payments, however, shall not exceed $1,000 quarterly except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under twenty-one years of age, and above eighteen years of age, $1,000 quarterly out of the income of each of said minors, and out of the income of minors under eighteen years of age, $500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than $500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor $500 quarterly, or such proportion thereof as the income of such minor may be less than $500, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Secretary of the Interior finds that such adults are wasting or squandering said income, be subject to the supervision of the superintendent of the Osage Agency Provided, That if an adult member, not having a certificate of competency, so desires, his entire income accumulating in the future from the sources herein specified may be paid to him without supervision, unless the Secretary of the Interior shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency The Secretary of the Interior shall invest the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per centum of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe Provided, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment Provided further, That at the beginning of each fiscal year there shall first be reserved and set aside, out of Osage tribal funds available for that purpose, a sufficient amount of money for the expenditures authorized by Congress out of Osage funds for that fiscal year. No guardian shall be appointed except on the written application or approval of the Secretary of the Interior for the estate of a member of the Osage Tribe of Indians who does not have a certificate of competency or who is of one-half or more Indian blood All moneys now in the possession or control of legal guardians heretofore paid to them in excess of $4,000 per annum each for adults and $2 000 each for minors under the Act of Congress of March 3, 1921, relating to the Osage Tribe of Indians, shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased, or investments made by such guardians out of said moneys paid them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. All bonds, securities, stocks, and property purchased and other investments made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness heretofore lawfully incurred by guardians shall be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior All funds other than as above mentioned, and other property heretofore or hereafter received by a guardian of a member of the Osage Tribe of Indians, which was theretofore under the supervision and control of the Secretary of the Interior or the title to which was held in trust for such Indian by the United States, shall not thereby become divested of the supervision and control of the Secretary of the Interior or the United States be relieved of its trust; and such guardian shall not sell, dispose of or otherwise encumber such fund or property without the approval of the Secretary of the Interior, and in accordance with orders of the county court of Osage County, Oklahoma. In case of the death, resignation, or removal from office of such a guardian, the funds and property in his possession subject to supervision and control of the Secretary of the Interior or to which the United States held the title in trust shall be immediately delivered to the superintendent of the Osage Agency, to be held by him and supervised or invested as hereinbefore provided. Within thirty days after the passage of this Act such guardian shall render and file with the Secretary of the Interior or the superintendent of the Osage Agency a complete accounting, fully itemized, under oath, for the funds so paid to him and pay to the said Secretary or superintendent any and all moneys in his hands at the time of the passage of this Act, which have been paid him in excess of $4,000 per

annum each for adults and $2,000 each for minors The said guardian shall at the same time tender to said Secretary or superintendent all property of whatsoever kind in his possession at the time of the passage of this Act, representing the investment by him of said funds The Secretary or superintendent is hereby authorized to accept such property or any part thereof at the price paid therefor by said guardian for the benefit of the ward of such guardian, if in his judgment he deems it advisable, and to make such settlement with such guardian as he deems best for such ward Failing to make satisfactory settlement with said guardian as to said investments or any part thereof, the Secretary is authorized to bring such suit or suits against said guardian, his bond, and other parties in interest as he may deem necessary for the protection of the interests of the ward and may bring such action in any State court of competent jurisdiction or in the United States district court for the district in which said guardian resides

'2 All funds of restricted Osage Indians of one-half or more Osage Indian blood inherited by or bequeathed to them accruing to their credit and which are subject to supervision as above provided may, when deemed to be for the best interest of such Indians, be paid to the administrators of the estates of deceased Osage Indians or direct to their heirs, or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him. The Secretary of the Interior shall pay to administrators and executors of estates of such deceased Osage Indians a sufficient amount of money out of said estates to pay all lawful indebtedness and costs and expenses of administration, when approved by him, and out of the shares belonging to heirs or devisees he shall pay the costs and expenses of such heirs or devisees, including attorneys' fees, when approved by him, in the determination of heirs or contest of wills

"3 Lands devised to members of the Osage Tribe of one-half or more Indian blood or who do not have certificates of competency, under wills approved by the Secretary of the Interior, and lands inherited by such Indians, shall be inalienable unless such lands be conveyed with the approval of the Secretary of the Interior Property of Osage Indians not having certificates of competency purchased as hereinbefore set forth shall not be subject to the lien of any debt, claim, or judgment except taxes, or be subject to alienation, without the approval of the Secretary of the Interior.

"4 Whenever the Secretary of the Interior shall find that any member of the Osage Tribe of more than one-half Indian blood, to whom has been granted a certificate of competency, is squandering or misusing his or her funds, he may revoke such certificate of competency after notice and hearing in accordance with such rules and regulations as he may prescribe, and thereafter the income of such member shall be subject to supervision and investment as herein provided for members not having certificates of competency to the same extent as if a certificate of competency had never been granted Provided, That all just indebtedness of such member existing at the time his certificate of competency is revoked shall be paid by the Secretary of the Interior, or his authorized representative, out of the income of such member, in addition to the quarterly income hereinbefore provided for: And provided further, That such revocation or cancellation of any certificate of competency shall not affect the legality of any transactions theretofore made by reason of the issuance of any certificate of competency

"5. No person convicted of having taken, or convicted of causing or procuring another to take, the life of an Osage Indian shall inherit from or receive any interest in the estate of the decedent, regardless of where the crime was committed and the conviction obtained.

"6 No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency, shall have any validity, unless approved by the Secretary of the Interior. In addition to the payment of funds heretofore authorized, the Secretary of the Interior is hereby authorized in his discretion to pay, out of the funds of a member of the Osage Tribe not having a certificate of competency, any indebtedness heretofore or hereafter incurred by such member by reason of his unlawful acts of carelessness or negligence

"7 Hereafter none but heirs of Indian blood shall inherit from those who are of one-half or more Indian blood of the Osage Tribe of Indians any right, title, or interest to any restricted lands, moneys, or mineral interests of the Osage Tribe: Provided, That this section shall not apply to spouses under existing marriages."

§ 4198a. Allotments on reservations; Act Feb. 8, 1887, c. 119, extended to lands purchased for use or benefit of Indians—That unless otherwise specifically provided, the provisions of the Act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as amended, be, and they are hereby, extended to all lands heretofore purchased or which may hereafter be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians (Feb 14, 1923, c. 76, 42 Stat 1246)

This section is an act entitled "An act to extend the provisions of the Act of February 8, 1887, as amended, to lands purchased for Indians," cited above. For the Act of Feb 8, 1887, see U S Comp St 1918, §§ 4195-4198

§ 4202a. Consent to or approval of alienation of allotments by Secretary of Interior—Wherever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted can not be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior hereafter had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained. Provided, however, That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct. (Sept 21, 1922, c 367, § 6, 42 Stat. 995)

This section is section 6 of Act Sept 21, 1922, c. 367, cited above See note to § 4166a, ante

§ 4203a. Lease of restricted allotments—The restricted allotment of any Indian may be leased for farming and grazing purposes by the allottee or his heirs, subject only to the approval of the superintendent or other officer in charge of the reservation where the land is located, under such rules and regulations as the Secretary of the Interior may prescribe: Provided, That this provision shall not apply to the Five Civilized Tribes. (March 3, 1921, c. 119, § 1, 41 Stat. 1232)

From the Indian appropriation act for the year 1922, cited above.

§ 4205e.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c. 462, 43 Stat 1151, makes the following appropriations "For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries of not to exceed five supervising engineers, for pay of one chief irrigation engineer, one assistant chief irrigation engineer, one superintendent of irrigation competent to pass upon water rights, one field cost accountant, and for traveling and incidental expenses of officials and employees of the Indian irrigation service, including sleepingcar fare and a per diem not exceeding $4 in lieu of subsistence when actually employed in the field and away from designated headquarters, $75,000" * *

§ 4205ee. Reimbursement of construction charges—The Secretary of the Interior is hereby authorized and directed to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land. Provided, That no reimbursable moneys appropriated in this Act for irrigation works shall be used for any purpose other than operation and maintenance unless the Secretary of the Interior has prescribed rules and regulations for the payment of the per acre charge by all the users of water under the project, to apply on the reimbursement of the total amount expended: And provided further, That the said Secretary shall sub-

mit a report to Congress on the first Monday in December, 1921, showing the irrigation projects or units thereof where repayment of the construction charge has been required. (Feb. 14, 1920, c. 75, § 1, 41 Stat. 409.)

From the Indian appropriation act for the year 1921, cited above

§ 4205f. San Carlos irrigation project; dam across Canyon of Gila River—The Secretary of the Interior, through the Indian Service, is hereby authorized to construct a dam across the Canyon of the Gila River near San Carlos, Arizona, as a part of the San Carlos irrigation project, as contemplated in the report of the chief engineer of the Indian irrigation service submitted to the Commissioner of Indian Affairs on November 1, 1915, at a limit of cost of $5,500,000, for the purpose, first, of providing water for the irrigation of lands allotted to Pima Indians on the Gila River Reservation, Arizona, now without an adequate supply of water and, second, for the irrigation of such other lands in public or private ownership, as in the opinion of the said Secretary, can be served with water impounded by said dam without diminishing the supply necessary for said Indian lands: Provided, That the total cost of the project shall be distributed equally per acre among the lands in Indian ownership and the lands in public or private ownership that can be served from the waters impounded by said dam. (June 7, 1924, c. 288, § 1, 43 Stat 475.)

This section, and the four sections next following, are an act entitled "An act for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes," cited above

§ 4205g. Same; reimbursement of construction charges; lien on lands; sale of irrigable lands in Gila River Indian reservation—The construction charge assessed against the Indian lands shall be reimbursable to the Treasury of the United States on a per acre basis under such rules and regulations as the Secretary of the Interior may prescribe, and there is hereby created a lien against all such lands, which lien shall be recited in any patent issued therefor, prior to the reimbursement of the total amount chargeable against such land Provided, That after said project is completed, the Secretary of the Interior is hereby authorized, in his discretion, with the approval of the Pima Indians, to sell, at public auction, at not less than the appraised value thereof, such surplus lands not now alloted within said Gila River Indian Reservation as he may determine to be irrigable from return and drainage waters, the proceeds of such sales to be deposited in the Treasury to reimburse the United States in part for the construction charge assessed against the Indian lands. (June 7, 1924, c. 288, § 2, 43 Stat. 475)

See note to § 4205f, ante.

§ 4205h. Same; notice of availability of water; construction charge per acre; amount; payment; operation and maintenance charges—The Secretary of the Interior shall by public notice announce the date when water is available for lands in private ownership under the project, and the amount of the construction charge per irrigable acre against the same, which charge shall be payable in annual installments, the first installment to be 5 per centum of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per centum per annum, to be amortized by payment on each December 1st thereafter of 5 per centum of said remainder until the obligation is paid in full: Provided, That the operation and maintenance charges on account of land in private ownership or of land in Indian ownership operated under lease shall be paid annually in advance not later than March 1st, no charge being made for operation and maintenance for the first year after said public notice It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for lands in private ownership. (June 7, 1924, c 288, § 3, 43 Stat. 475.)

See note to § 4205f, ante

§ 4205i. Same; limitation on expenditure of funds for construction on account of privately owned lands—No part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this Act and, in form approved by the Secretary of the Interior, shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain an appraisal approved by the Secretary of the Interior, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction of said San Carlos Dam, and shall provide that until one-half the construction charges against said lands shall have been fully paid, no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale, the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applied thereto: Provided further, That no part of any sum provided for herein shall be expended for construction on account of any lands in private ownership until all areas of land irrigable under the project and owned by any individual in excess of one hundred and sixty irrigable acres shall have been conveyed in fee to the United States free of encumbrance to again become a part of the public domain under a contract between the United States and the individual owner providing that the value as shown by said appraisal of the land so conveyed to the United States shall be credited in reduction of the construction charge thereafter to be assessed against the land retained by such owner; and lands so conveyed to the United States shall be subject to disposition by the Secretary of the Interior in farm units at the appraised price, upon such terms and conditions as he may prescribe. (June 7, 1924, c. 288, § 4, 43 Stat 476)

See note to § 4205f, ante

§ 4205j. Same; powers of Secretary of Interior; rules and regulations; availability of appropriation—The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect; and the money hereby authorized to be appropriated shall be available for the acquiring of necessary right of way by purchase or judicial proceedings and for other purposes necessary in successfully prosecuting the work to complete the project. (June 7, 1924, c. 288, § 5, 43 Stat. 476.)

See note to § 4205f, ante

§ 4217.

Lease of allotments of Indian lands because of age or disability of allottee. The provisions of the Indian appropriation acts permitting the lease of allotments of lands to Indians, where, by reason of age or other disability, the allottee cannot personally and with benefit to himself occupy or improve his allotment, or any part thereof, are as follows

Act Feb 28, 1891, c 383, § 3, 26 Stat. 794, which reads as

follows. "Whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes."

Act Aug 15, 1894, c 290, § 1, 28 Stat. 305, which reads as follows "Whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability or inability, any allottee of Indian lands under this or former acts of Congress, can not personally and with benefit to himself, occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes."

Act March 2, 1895, c 188, § 1, 28 Stat 900, which reads as follows "Whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability or inability, any allottee of Indian lands under this or former Acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes."

Act June 10, 1896, c 398, § 1, 29 Stat 340, which reads as follows "Whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability or inability, any allottee of Indian lands, under this or former acts of Congress, can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased in the discretion of the Secretary upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes."

Act June 7, 1897, c 3, § 1, 30 Stat 85, which reads as follows "Hereafter whenever it shall be made to appear to the Secretary of the Interior that by reason of age or disability any allottee of Indian lands under this or former Acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased, in the discretion of the Secretary, upon such terms, regulations, and conditions as shall be prescribed by him, for a term, not exceeding three years for farming or grazing purposes, or for five years for mining or business purposes."

Act May 31, 1900, c 598, § 1, 31 Stat 229, which reads as follows "Whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability or inability, any allottee of Indian lands cannot personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming purposes only."

The act referred to in the provision from Act Feb. 28, 1891, c. 383, § 3, as Act Feb 8, 1887, c 119, 24 Stat 388, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes." This provision is general in its application to all Indians coming within the class mentioned and holding allotments under Act Feb. 8, 1887, c 119, or any other act or treaty.

The provisions in Act Aug. 15, 1894, c 290, § 1, Act March 2, 1895, c 188, § 1, and Act June 10, 1896, c. 398, § 1, are general in their application to all Indians coming within the class mentioned, but restricted as to the allotments to which they are applicable, since the allotments covered are those made by the respective acts or former acts of Congress

The provision in Act June 7, 1897, c. 3, § 1, begins with the word "hereafter," which is not present in any of the provisions in the previous acts above mentioned It is also general in its application to all Indians coming within the class mentioned It is also restricted as to the allotments to which it is applicable, which are allotments made by the act itself or by former acts of Congress. Taken in connection with the use of the word "hereafter" and the fact that the provision is not found in any of the subsequent Indian appropriation acts until 1900, it seems that this provision superseded the provisions in Act Aug 15, 1891, c 290, § 1, Act March 2, 1895, c. 188, § 1, and Act June 10, 1896, c. 398, § 1, certainly, and the provision of Act Feb. 28, 1891, c. 383, § 3, probably.

The provision from Act May 31, 1900, c 598, § 1, is from the Indian appropriation act for the fiscal year 1901 In its language it is more general in its application as to Indians coming within the class mentioned and allotments covered than any of the previous provisions, being applicable to all Indians of the class mentioned and to all allotments, without any restrictions It however permits leases for farming purposes only On the other hand it appears in the appropriation act as a proviso following certain appropriations under the subheading "Pottawatomies" If its place in the appropriation act were to restrict its application to the Pottawatomies it would not have any effect upon the provisions of the prior acts, except as to the Pottawatomies, but if it is to be construed as not restricted to the Pottawatomies it would seem to supersede the prior provisions, as being the latest expression of congress as to leases of allotments of Indians suffering from age or other disability, unless possibly it might be held to apply to all leases subsequent to the date of the enactment of the act and not to affect leases of allotments made under the prior acts

§ 4218a. Lease of unallotted lands for oil and gas mining purposes—Unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of ten years under the proviso to section 3 of the Act of February 28, 1891 (Twenty-sixth Statutes at Large, page 795), may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed ten years, and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: Provided, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: Provided, however, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (May 29, 1924, c. 210, 43 Stat. 244.)

This section is an act entitled "An act to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891," cited above

§ 4221a. Unallotted mineral lands withdrawn from entry under mining laws; lease thereof—That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms. (June 30, 1919, c. 4, § 26, 41 Stat 31.)

This section, and the 18 sections next following, are § 26 of the Indian appropriation act for the fiscal year 1920, cited above.

§ 4221b. Same; location of mining claims on—After the passage and approval of this section, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States. (June 30, 1919, c. 4, § 26, 41 Stat. 32.)

See note to § 4221a, ante.

§ 4221c. Same; preference right of locators of claims to lease of lands—The locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim (June 30, 1919, c 4, § 26, 41 Stat. 32)

See note to § 4221a, ante

§ 4221d. Same; filing copies of location notices—Duplicate copies of the location notice shall be filed within sixty days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this section may be filed with such superintendent for transmission, through official channels to the Secretary of the Interior (June 30, 1919, c. 4, § 26, 41 Stat. 32)

See note to § 4221a, ante

§ 4221e. Same; lands excepted from entry as mining claims—Lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering live stock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section. (June 30, 1919, c 4, § 26, 41 Stat 32.)

See note to § 4221a, ante

§ 4221f. Same; term of lease; renewal—Leases under this section shall be for a period of twenty years with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. (June 30, 1919, c. 4, § 26, 41 Stat. 32)

See note to § 4221a, ante

§ 4221g. Same; relinquishment of rights by lessee—The lessee, may in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease. (June 30, 1919, c. 4, § 26, 41 Stat. 32.)

See note to § 4221a, ante

§ 4221h. Same; lease of additional land for camp sites and other purposes—In addition to areas of mineral land to be included in leases under this section the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, subject to the payment of an annual rental of not less than $1 per acre, a tract of unoccupied land, not exceeding forty acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease. (June 30, 1919, c. 4, § 26, 41 Stat. 32)

See note to § 4221a, ante

§ 4221i. Same; reservation of surface of leased land to United States; easements—The Secretary of the Interior, in his discretion, in making any lease under this section, may reserve to the United States the right to lease for a term not exceeding that of the mineral lease, the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: Provided, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved (June 30, 1919, c. 4, § 26, 41 Stat 32)

See note to § 4221a, ante

§ 4221j. Same; rights and duties of successors to lessees—Any successor in interest or assignee of any lease granted under this section, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the lease under which such rights are held and also subject to all the provisions and conditions of this section to the same extent as though such successor or assign were the original lessee hereunder. (June 30, 1919, c 4, § 26, 41 Stat. 32)

See note to § 4221a, ante

§ 4221k. Same; forfeiture of leases; notice—Any lease granted under this section may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this section or with such conditions not inconsistent herewith as may be specifically recited in the lease. (June 30, 1919, c. 4, § 26, 41 Stat. 33)

See note to § 4221a, ante

§ 4221l. Same; royalties payable by lessees—For the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per centum of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of not less than 25 cents per acre for the first calendar year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. (June 30, 1919, c. 4, § 26, 41 Stat. 33.)

See note to § 4221a, ante

§ 4221m. Same; development work by locators or lessees; damage to land—In addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: Provided, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon (June 30, 1919, c. 4, § 26, 41 Stat. 33)

See note to § 4221a, ante.

§ 4221n. Same; cutting timber by lessees—No timber shall be cut upon the reservation by the lessee except for mining purposes and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof. (June 30, 1919, c. 4, § 26, 41 Stat. 33.)

See note to § 4221a, ante

§ 4221o. Same; examination of books and accounts of lessees—The Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to acquire them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon

such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury. (June 30, 1919, c. 4, § 26, 41 Stat 33)

See note to § 4221a, ante

§ 4221p. Same; disposition of rentals and royalties—All moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress Provided, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds. (June 30, 1919, c. 4, § 26, 41 Stat. 33)

See note to § 4221a, ante

§ 4221q. Same; protection of interests of Indians—The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this section into full force and effect Provided, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee. (June 30, 1919, c. 4, § 26, 41 Stat 33)

See note to § 4221a, ante

§ 4221r. Same; mining locations by and leases to Indians declared competent—Mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section (June 30, 1919, c. 4, § 26, 41 Stat. 34.)

See note to § 4221a, ante

§ 4221s. Same; mining locations by and leases to other Indians—That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians. (June 30, 1919, c. 4, § 26, 41 Stat. 34.)

See note to § 4221a, ante.

§ 4221ss. Same; "metalliferous" defined—Wherever the term "metalliferous" is used in said section 26 of the above-entitled Act, it shall be defined and construed by the Secretary of the Interior to include magnesite, gypsum, limestone, and asbestos. (June 30, 1919, c. 4, § 26, 41 Stat. 31, amended, March 3, 1921, c. 119, § 1, 41 Stat. 1231)

From the Indian appropriation act for the year 1922 This section is preceded by the following provision: "That section 26 of the Act entitled 'An Act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920,' approved June 30, 1919 (Public, Numbered 8, Sixty-sixth Congress), be amended as follows."

§ 4221t. Lease for mining purposes of reserved and unallotted lands in Fort Peck and Blackfeet Indian Reservations—Lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana, reserved from allotment or other disposition, may be leased for mining purposes under regulations prescribed by the Secretary of the Interior (Sept. 20, 1922, c 347, 42 Stat 857)

This section is an act entitled "An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the state of Montana," cited above.

§ 4221tt. Lease for mining purposes of unallotted lands in Kaw reservation—That the Secretary of the Interior be, and he is hereby, authorized to lease for mining purposes lands reserved from allotment to be used as a cemetery and not needed for that purpose, and lands reserved for school and agency purposes in the Kaw Reservation in the State of Oklahoma, and for the use and benefit of the members of the Kansas or Kaw Tribe of Indians, at public auction, upon such terms and conditions and under such rules and regulations as he may prescribe. Provided, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: Provided, however, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (April 28, 1924, c. 135, 43 Stat 111.)

This section is an act entitled "An act to authorize the leasing for mining purposes of unallotted lands in the Kaw Reservation in the State of Oklahoma," cited above

§ 4227. Payment or deduction of cost of determining heirs—Hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of $250 or more, or to any allotment, or, after approval by the Secretary of the Interior, of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of $20 where the appraised value of the estate of the decedent is $250 or more and does not exceed $1,000. Where the appraised value of the estate of the decedent is more than $1,000 and less than $2,000, $25; where the appraised value of the estate of the decedent is $2,000 or more and does not exceed $3,000, $30; where the appraised value of the estate of the decedent is more than $3,000 but does not exceed $5,000, $50; where the appraised value of the estate of the decedent is more than $5,000 but does not exceed $7,500, $65; and where the appraised value of the estate of the decedent is more than $7,500, $75; which amount shall be accounted for and paid into the Treasury of the United States, and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: Provided further, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma. (Jan. 24, 1923, c 42, 42 Stat. 1185.)

From the Interior Department appropriation act for the year 1924, cited above It supersedes similar provisions in act Feb. 14, 1920, c. 75, § 1, 41 Stat. 413, which superseded a somewhat similar provision in Act May 18, 1916, c. 125, § 1. 39 Stat. 127.

§ 4231a. Proceeds of sale of timber products manufactured at Red Lake Agency sawmill—Hereafter all proceeds of sales of timber products manufactured at the Red Lake Agency sawmill, or so much thereof as may be necessary, shall be available for expenses of logging, booming, towing, and

manufacturing timber at said mill (June 30, 1919, c. 4, § 8, 41 Stat 14)

This section is § 8 of the Indian appropriation act for the fiscal year 1920, cited above.

§ 4234a. Determination of heirship of deceased members of Cherokee, Choctaw, Chickasaw, Creek and Seminole Tribes—A determination of the question of fact as to who are the heirs of any deceased citizen allottee of the Five Civilized Tribes of Indians who may die or may have heretofore died, leaving restricted heirs, by the probate court of the State of Oklahoma having jurisdiction to settle the estate of said deceased, conducted in the manner provided by the laws of said State for the determination of heirship in closing up the estates of deceased persons, shall be conclusive of said question Provided, That an appeal may be taken in the manner and to the court provided by law, in cases of appeal in probate matters generally Provided further, That where the time limited by the laws of said State for the institution of administration proceedings has elapsed without their institution, as well as in cases where there exists no lawful ground for the institution of administration proceedings in said courts, a petition may be filed therein having for its object a determination of such heirship and the case shall proceed in all respects as if administration proceedings upon other proper grounds had been regularly begun, but this proviso shall not be construed to reopen the question of the determination of an heirship already ascertained by competent legal authority under existing laws Provided further, That said petition shall be verified, and in all cases arising hereunder service by publication may be had on all unknown heirs, the service to be in accordance with the method of serving nonresident defendants in civil suits in the district courts of said State; and if any person so served by publication does not appear and move to be heard within six months from the date of the final order, he shall be concluded equally with parties personally served or voluntarily appearing. (June 14, 1918, c. 101, § 1, 40 Stat. 606)

This section, and the section next following, are an act entitled "An act to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes, and for other purposes," cited above

Section 18 of the Indian appropriation act for the fiscal year 1920, Act June 30, 1919, c 4, § 18, 41 Stat. 21, reads as follows. "For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $205,000, of which sum $20,000 shall be available for expenditures from April 1, 1919. Provided, That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision. Provided further, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) now required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma: Provided, however, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within thirty days from the date of said decision or order."

§ 4234b. Same; laws applicable to lands of full-blooded members—The lands of full-blood members of any of the Five Civilized Tribes are hereby made subject to the laws of the State of Oklahoma, providing for the partition of real estate. Any land allotted in such proceedings to a full-blood Indian, or conveyed to him upon his election to take the same at the appraisement, shall remain subject to all restrictions upon alienation and taxation obtaining prior to such partition In case of a sale under any decree, or partition, the conveyance thereunder shall operate to relieve the land described of all restrictions of every character (June 14, 1918, c. 101, § 2, 40 Stat 606)

See note to § 4231a

§ 4234c. Allowance, etc., of undisputed claims of restricted allottees of Five Civilized Tribes—Hereafter no undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees. or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) heretofore required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma Provided, however, That any party aggrieved by any decision or order of the Superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within thirty days from the date of said decision or order. (Feb 14, 1920, c 75, § 18, 41 Stat 426.)

From the Indian appropriation act for the year 1921, cited above

§ 4234d. Per capita payments to enrolled members of Choctaw and Chickasaw Tribes—That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $100 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: Provided, That in cases where such enrolled members or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion withhold such payments and use the same for the benefit of such restricted Indians: Provided further, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this Act: Provided further, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments. Provided further, That until further provided by Congress, the Secretary of the Interior, under rules and regulations to be prescribed by him, is authorized to make per capita payments of not to exceed $200 annually hereafter to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, entitled under existing law to share in the funds of said tribes, or to their lawful heirs, of all the available money held by the Government of the United States for the benefit of said tribes in excess of that required for expenditures authorized by annual appropriations made therefrom or by existing law. (Feb. 14, 1920, c. 75, § 18, 41 Stat. 426.)

From the Indian appropriation act for the year 1921, cited above.

§ 4234e. Expenditures from tribal funds of Five Civilized Tribes limited—Five Civilized Tribes. * * Hereafter no money shall be expended from

tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress * * (May 24, 1922, c. 199, 42 Stat 575)

From the Interior Department appropriation act for the year 1923, cited above Similar provisions, with certain stated exceptions, are contained in prior acts

§ 4240a. Fee to cover expense of sale of Indian allotments, or leases of tribal or allotted lands—Hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business or other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized and directed, under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests, to be paid by vendees, lessees, or assignees, or from the proceeds of sales, the amounts collected to be covered into the Treasury as miscellaneous receipts. (Feb 14, 1920, c 75, § 1, 41 Stat 415.)

From the Indian appropriation act for the year 1921, cited above.

§ 4240b. Sale of certain abandoned buildings on lands belonging to Indian tribes—That the Secretary of the Interior is hereby authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell therewith not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this Act shall pass to the purchaser, by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract. Provided, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be disposed of in accordance with existing law. (Feb 14, 1920, c 75, § 1, 41 Stat. 415)

From the Indian appropriation act for the year 1921, cited above.

TITLE XXIX—IMMIGRATION

Chapter A—Regulation and Restriction of Immigration in General

§ 4243a. Disposition of moneys paid for expenses of detained aliens—From and after July first, nineteen hundred and eleven, all moneys paid into the Treasury to reimburse the Immigration Service for expenses of detained aliens paid from the appropriation for expenses of regulating immigration, shall be credited to the appropriation for the expenses of regulating immigration for the fiscal year in which the expenses were incurred (March 4, 1911, c. 285, § 1, 36 Stat. 1442)

From the sundry civil appropriation act for the year 1912, cited above.

§ 4243aa. Disposition of moneys received on account of hospital expenses of aliens detained at Ellis Island—Moneys collected by the Immigration Service on account of hospital expenses of persons detained under the immigration laws and regulations at Ellis Island Immigration Station shall be covered into the Treasury as miscellaneous receipts. * * (Jan. 3, 1923, c 22, 42 Stat 1101 April 4, 1924, c 84, title I, 43 Stat 75 Jan. 22, 1925, c. 87, title I, 43 Stat. 775.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 4243aaa. Use of hospital at Ellis Island by Public Health Service—The Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients, free of expense for physical upkeep, but with a charge of actual cost for fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations. * * (Jan. 3, 1923, c. 22, 42 Stat 1101 April 4, 1924, c. 84, title I, 43 Stat 75. Jan. 22, 1925, c. 87, title I, 43 Stat. 775)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 4281a. Office for Immigration Service at Montreal, Canada—The Secretary of Labor is authorized to execute a lease for office quarters for the United States Immigration Service at Montreal, Canada, for a period of five years from July first, nineteen hundred and eighteen, at a rate of rental not exceeding $4,500 per annum (July 1, 1918, c. 113, § 1, 40 Stat 696.)

From the sundry civil appropriation act for the year 1919, cited above, superseding a similar provision of Act Aug 1, 1914, c 223, § 1, 38 Stat. 666.

§ 4283a. Commissioner of Immigration at New Orleans; compensation—The limitation specified in the Act approved August 1, 1914 (Thirty-eighth Statutes, page 666), upon the compensation of the Commissioner of Immigration at the port of New Orleans, Louisiana, is hereby removed. (June 5, 1920, c. 235, § 1, 41 Stat. 936.)

From the sundry civil appropriation act for the year 1921, cited above

§ 4289½b. Aliens excluded; literacy test; skilled labor; exceptions—The following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously, persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars, vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United

States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property, prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose, persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose, persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled, persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country, persons likely to become a public charge, persons who have been deported under any of the provisions of this Act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly, stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor, all children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible; unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under sixteen years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section nineteen of this Act.

That after three months from the passage of this Act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit

All aliens over sixteen years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish Provided, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over fifty-five years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit. All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith, all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: Provided, That nothing in this Act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political: Provided further, That the provisions of this Act, relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: Provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges, or seminaries, persons belonging to any recognized learned profession, or persons employed as domestic servants: Provided fur-

ther. That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone: Provided further, That aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe. Provided further, That nothing in the contract-labor or reading-test provisions of this Act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by Act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons: Provided further, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission: Provided further, That nothing in this Act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests: Provided further, That an alien who can not read may, if otherwise admissible, be admitted if, within five years after this Act becomes law, a citizen of the United States who has served in the military or naval forces of the United States during the war with the Imperial German Government, requests that such alien be admitted, and with the approval of the Secretary of Labor, marries such alien at a United States immigration station. (Feb. 5, 1917, c. 29, § 3, 39 Stat. 875, amended, June 5, 1920, c. 243, 41 Stat. 981)

This section was amended by Act June 5, 1920, c 243, 41 Stat 981, cited above, by adding thereto the last proviso.

§ 4289½b(1). Aliens excluded; anarchists; persons opposing all organized government; persons advocating overthrow of government by force, assaulting or killing officers of government, destruction of property, sabotage—The following aliens shall be excluded from admission into the United States

(a) Aliens who are anarchists;

(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that advises, advocates, or teaches, opposition to all organized government;

(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group, that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage,

(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching, opposition to all organized government, or advising, advocating or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury or destruction of property, or (4) sabotage,

(e) Aliens who are members of or affiliated with any organization, association, society, or group, that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d)

For the purpose of this section. (1) the giving, loaning, or promising of money or any thing of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine, and (2) the giving, loaning, or promising of money or any thing of value to any organization, association, society, or group, of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation (Oct. 16, 1918, c. 186, § 1, 40 Stat. 1012, amended, June 5, 1920, c. 251, 41 Stat. 1008)

This section, and the two sections next following, are an act entitled "An act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes," cited above This section was amended by Act June 5, 1920, c. 251, 41 Stat 1008, cited above, to read as set forth above Prior to this amendment this section read as follows:

"Aliens who are anarchists, aliens who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law, aliens who disbelieve in or are opposed to all organized government, aliens who advocate or teach the assassination of public officials, aliens who advocate or teach the unlawful destruction of property, aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property shall be excluded from admission into the United States"

§ 4289½b(2). Same; deportation—Any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section one of this Act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration Act of February fifth, nineteen

hundred and seventeen The provisions of this section shall be applicable to the classes of aliens mentioned in this Act irrespective of the time of their entry into the United States. (Oct. 16, 1918, c 186, § 2, 40 Stat. 1012)

See note to § 4289½b(1), ante

§ 4289½b(3). Same; deportation; reentry; punishment—Any alien who shall, after he has been excluded and deported or arrested and deported in pursuance of the provisions of this Act, thereafter return to or enter the United States or attempt to return to or enter the United States shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term of not more than five years; and shall, upon the termination of such imprisonment, be taken into custody, upon the warrant of the Secretary of Labor, and deported in the manner provided in the immigration Act of February fifth, nineteen hundred and seventeen. (Oct. 16, 1918, c. 186 § 3, 40 Stat. 1012.)

See note to § 4289½b(1), ante

§ 4289½b(4). Deportation of aliens; enumeration of persons to be deported; manner of deportation—Aliens of the following classes, in addition to those for whose expulsion from the United States provision is made in the existing law, shall, upon the warrant of the Secretary of Labor, be taken into his custody and deported in the manner provided in sections 19 and 20 of the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States, to wit:

(1) All aliens who are now interned under section 4067 of the Revised Statutes of the United States and the proclamations issued by the President in pursuance of said section under date of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, respectively.

(2) All aliens who since August 1, 1914, have been or may hereafter be convicted of any violation or conspiracy to violate any of the following Acts or parts of Acts, the judgment on such conviction having become final, namely:

(a) An Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, or the amendment thereof approved May 16, 1918;

(b) An Act entitled "An Act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917;

(c) An Act entitled "An Act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918;

(d) An Act entitled "An Act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes," approved April 20, 1918;

(e) An Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, or any amendment thereof or supplement thereto;

(f) An Act entitled "An Act to punish persons who make threats against the President of the United States," approved February 14, 1917;

(g) An Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, or any amendment thereof,

(h) Section 6 of the Penal Code of the United States.

(3) All aliens who have been or may hereafter be convicted of any offense against section 13 of the said Penal Code committed during the period of August 1, 1914, to April 6, 1917, or of a conspiracy occurring within said period to commit an offense under said section 13, or of any offense committed during said period against the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, in aid of a belligerent in the European war (May 10, 1920, c 174, § 1, 41 Stat 593)

This section, and the two sections next following, are an act entitled "An act to deport certain undesirable aliens and to deny readmission to those deported," cited above

For §§ 19, 20 of Act Feb 5, 1917, c 29, referred to in this section, see U S Comp St 1918, §§ 4289¼jj, 4289¼k For R S § 4067, as amended, also referred to, see U S Comp St 1918, § 7615 For Act June 15, 1917, c 30, title 1, §§ 1-8, as amended by Act May 16, 1918, c 75, also referred to, see U S Comp St 1918, §§ 10212a-10212h For Act Oct 6, 1917, c 83, also referred to, see U S. Comp St 1918, §§ 3115¼a-3115¼kk For Act May 22, 1918, c 81, also referred to, see U. S Comp. St. 1918, §§ 7628e-7628h For Act April 20, 1918, c 59, also referred to, see U S Comp St. 1918, §§ 10212h½-10212h¼ For Act Feb 14, 1917, c. 64, also referred to, see U S Comp St 1918, § 10200a For Act Oct 6, 1917, c. 106, also referred to, see U S Comp St 1918, §§ 3115½a-3115½j For § 6 of the Penal Code, also referred to, see U S Comp St. 1918, § 10170 For § 13 of the Penal Code, also referred to, see U S Comp. St. 1918, § 10177. For Act July 2, 1890, c 647, also referred to, see U. S Comp St. 1918, §§ 8820-8836.

§ 4289½b(5). Same; decision of Secretary of Labor final—In every case in which any such alien is ordered expelled or excluded from the United States under the provisions of this Act the decision of the Secretary of Labor shall be final. (May 10, 1920, c. 174, § 2, 41 Stat. 594)

See note to § 4289¼b(4), ante

§ 4289½b(6). Same; readmission of persons excluded prohibited—In addition to the aliens who are by law now excluded from admission into the United States all persons who shall be expelled under any of the provisions of this Act shall also be excluded from readmission. (May 10, 1920, c. 174, § 3, 41 Stat. 594.)

See note to § 4289½b(4), ante.

§ 4289½bbb. Aliens excluded; aliens conscripted or volunteering for military or naval service readmitted—Notwithstanding the provisions of section three of the immigration Act of February fifth, nineteen hundred and seventeen, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident in the United States when heretofore or hereafter enlisted or conscripted for the military or naval service of the United States, or of any one of the nations cobelligerent of the United States in the present war; and aliens lawfully resident in the United States who have enlisted for service with Czecho-Slovak, Polish, or other independent forces attached to the United States Army or to the army or navy of any one of the cobelligerents of the United States in the present war, who may during or within one year after the termination of the war apply for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military or naval authorities, or after being rejected on final examination in connection with their enlistment or conscription shall, within two years

after the termination of the war, be readmitted, and that any alien of either of the foregoing descriptions who would otherwise be excluded under said section of the immigration Act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military or naval forces of the United States or of any one of the nations cobelligerent of the United States in the present war or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within two years after the termination of the war; and that the head tax provided in the immigration Act of February fifth, nineteen hundred and seventeen, shall not be collected from aliens readmitted into the United States under the provisions of this resolution (Oct. 19, 1918, c. 190, 40 Stat 1014)

This section was a resolution entitled a "Joint Resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces," cited above It supersedes a somewhat similar resolution enacted June 29, 1918, Res June 29, 1918, c 112, 40 Stat 634, which read as follows "Notwithstanding the provisions of section three of the immigration Act of February fifth, nineteen hundred and seventeen, excluding from the United States aliens, who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident in the United States when heretofore or hereafter enlisted or conscripted for the military service of the United States, and aliens lawfully resident in the United States who prior to April sixth, nineteen hundred and seventeen, declared their intention to become citizens of the United States, and who have enlisted for service with Czecko-Slovak, Polish, or other independent forces attached to the United States Army or to the army of any one of the cobelligerents of the United States in the present war, who may, within one year after the termination of the war, apply for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military authorities, or after being rejected on final examination in connection with their enlistment or conscription, shall be readmitted, and that any alien of either of the two foregoing descriptions who would otherwise be excluded under said section of the immigration Act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within one year after the termination of the war, and that the head tax provided in the immigration Act of February fifth, nineteen hundred and seventeen, shall not be collected from aliens readmitted into the United States under the provisions of this resolution"

§ 4289¼e. Bringing in aliens subject to disability, or afflicted with disease—It shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this Act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this Act because unable to read, or who is excluded by the terms of section 3 of this Act as a native of that portion of the Continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed

If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18 of this Act, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded. Provided, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs: Provided further, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 of this Act exempted from the excluding pro-

visions of said section. (Feb. 5, 1917, c 29, § 9, 39 Stat 880, amended, May 26, 1924, c 190, § 26, 43 Stat. 166.)

This section was amended by Act May 26, 1924, c 190, § 26, cited above by changing the amounts of the penalties designated from $200, $25, and $200 to $1,000, $250, and $1,000 respectively, by adding, before the words "And no vessel shall be granted clearance papers" the sentence beginning "If a fine is imposed under this section," etc., as set forth above, and by adding at the end of the first proviso, after the words "sum sufficient to cover such fines," the words "or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs" See, also, note to § 4289¾, post

§ 4289¼ee. Prevention of landing of aliens; prima facie proof of landing—(a) It shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor, it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of $1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers. (Feb. 5, 1917, c. 29, § 10, 39 Stat. 881, amended May 26, 1924, c. 190, § 27, 43 Stat. 167)

For this section prior to this amendment, see U. S Comp St. 1918, § 4289¼ee. See, also, note to § 4239¾, post.

§ 4289¼i.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c. 87, title I, 43 Stat 774, under the heading "Public Health Service," contains the following provision:

"For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the Act of February 5, 1917, medical, surgical, and hospital services and supplies for beneficiaries (other than patients of the United States Veterans' Bureau) of the Public Health Service and persons detained under the immigration laws and regulations at Ellis Island Immigration Station, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, maintenance and operation of motor trucks and passenger motor vehicles, transportation, care, maintenance, and treatment of lepers, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital). * *"

§ 4289¼m(1). Lease of immigrant station at Charleston—The Secretary of Labor is authorized, in his discretion, to lease for other than governmental purposes the property known as the Charleston immigration station, with the improvements thereon; and said Secretary shall fix the amount of rental per annum to be paid therefor, which rental shall be a fair and just sum for property of like character, situation, and value and prescribe such conditions regarding the uses to be made of said property as he shall deem proper: Provided, That all expenses of maintenance and repairs on the building and dock at said station shall be borne by the lessee or lessees Provided further, That any lease executed under this resolution may be terminated and the property reoccupied under such conditions as the Secretary of Labor may prescribe (Aug 15, 1919, c. 50, 41 Stat 280)

This section is a resolution entitled a "Joint Resolution authorizing the Secretary of Labor to lease the Charleston immigration station and dock connected therewith," cited above

§ 4289¼r. [Repealed]

This section (Act Feb. 5, 1917, c 29, § 32) is repealed by par (d) of § 20 of Act May 26, 1924, c 190, 43 Stat 165, with the proviso that it is to "remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act" See note to § 4289¾, post

§ 4289¼sss. Treatment in hospitals of alien seamen afflicted with certain diseases—Alien seamen found on arrival in ports of the United States to be afflicted with any of the disabilities or diseases mentioned in section 35 of the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," shall be placed in a hospital designated by the immigration official in charge at the port of arrival and treated, all expenses connected therewith, including burial in the event of death, to be borne by the owner, agent, consignee, or master of the vessel, and not to be deducted from the seamen's wages, and no such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed and the collector of customs so notified by the immigration official in charge: Provided, That alien seamen suspected of being afflicted with any such disability or disease may be removed from the vessel on which they arrive to an immigration station or other appropriate place for such observation as will enable the examining surgeons definitely to determine whether or not they are so afflicted, all expenses connected therewith to be borne in the manner hereinbefore prescribed: Provided further, That in cases in which it shall appear to the satisfaction of the immigration official in charge that it will not be possible within a reasonable time to effect a cure, the return of the alien seamen shall be enforced on or at the expense of the vessel on which they came, upon such conditions as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe, to insure that the aliens shall be properly cared for and protected, and that the spread of contagion shall be guarded against. (Dec. 26, 1920, c. 4, 41 Stat. 1082.)

This is an act entitled "An act to provide for the treatment in hospital of diseased alien seamen," cited above

§ 4289½. Temporary limitation on immigration into United States; definitions—As used in this Act—

The term "United States" means the United States, and any waters, territory, or other place subject to the jurisdiction thereof except the Canal Zone and the Philippine Islands; but if any alien leaves the Canal Zone or any insular possession of the United States and attempts to enter any other place under the jurisdiction of the United States nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

The word "alien" includes any person not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed nor citizens of the islands under the jurisdiction of the United States.

The term "Immigration Act" means the Act of Feb-

ruary 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States", and the term 'immigration laws" includes such Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens (May 19, 1921, c. 8, § 1, 42 Stat. 5)

This section and the 5 sections next following are an act entitled "An act to limit the immigration of aliens into the United States," as amended, cited above

§ 4289½a. Same; percentage of aliens admitted; determination of nationalities; statement of number of persons of various nationalities resident in United States; effect of admission of maximum number of persons of one nationality—(a) The number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910 This provision shall not apply to the following, and they shall not be counted in reckoning any of the percentage limits provided in this Act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory, (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration; (6) aliens from the so-called Asiatic barred zone, as described in section 3 of the Immigration Act; (7) aliens who have resided continuously for at least five years immediately preceding the time of their admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands; or (8) aliens under the age of eighteen who are children of citizens of the United States.

(b) For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census of 1910.

(c) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement shall be the population basis for the purposes of this Act. In case of changes in political boundaries in foreign countries occurring subsequent to 1910 and resulting (1) in the creation of new countries, the Governments of which are recognized by the United States, or (2) in the transfer of territory from one country to another, such transfer being recognized by the United States, such officials, jointly, shall estimate the number of persons resident in the United States in 1910 who were born within the area included in such new countries or in such territory so transferred, and revise the population basis as to each country involved in such change of political boundary. For the purpose of such revision and for the purposes of this Act generally aliens born in the area included in any such new country shall be considered as having been born in such country, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred.

(d) When the maximum number of aliens of any nationality, who may be admitted in any fiscal year under this Act shall have been admitted all other aliens of such nationality, except as otherwise provided in this Act, who may apply for admission during the same fiscal year shall be excluded. Provided, That the number of aliens of any nationality who may be admitted in any month shall not exceed 20 per centum of the total number of aliens of such nationality who are admissible in that fiscal year. Provided further, That aliens returning from a temporary visit abroad, aliens who are professional actors, artists, lecturers, singers, nurses ministers of any religious denomination, professors for colleges or seminaries, aliens belonging to any recognized learned profession, or aliens employed as domestic servants, may, if otherwise admissible, be admitted notwithstanding the maximum number of aliens of the same nationality admissible in the same month or fiscal year, as the case may be, shall have entered the United States; but aliens of the classes included in this proviso who enter the United States before such maximum number shall have entered shall (unless excluded by subdivision (a) from being counted) be counted in reckoning the percentage limits provided in this Act: Provided further, That in the enforcement of this Act preference shall be given so far as possible to the wives, parents, brothers, sisters, children under eighteen years of age, and fiancées, (1) of citizens of the United States, (2) of aliens now in the United States who have applied for citizenship in the manner provided by law, or (3) of persons eligible to United States citizenship who served in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and have been separated from such forces under honorable conditions (May 19, 1921, c. 8, § 2, 42 Stat. 5, amended May 11, 1922, c. 187, § 2, 42 Stat. 540.)

This section was amended by Res May 11, 1922, c. 187, § 2, 42 Stat 540, cited above, by striking out, in clause (7) of subd. (a) the words "one year," and inserting in lieu thereof the words "five years." See note to § 4289½, ante.

§ 4289½b. Same; rules and regulations by Commissioner General of Immigration; statements of aliens of various nationalities admissible and admitted—The Commissioner General of Immigration, with the approval of the Secretary of Labor, shall, as soon as feasible after the enactment of this Act, and from time to time thereafter, prescribe rules and regulations necessary to carry the provisions of this Act into effect. He shall, as soon as feasible after the enactment of this Act, publish a statement showing the number of aliens of the various nationalities who may be admitted to the United States between the date this Act becomes effective and the end of the current fiscal year, and on June 30 thereafter he shall publish a statement showing the number of aliens of the various nationalities who may be admitted during the ensuing fiscal year. He shall also publish monthly statements during the time this Act remains in force showing the number of aliens of each nationality already admitted during the then current fiscal year and the number who may be admitted under the provisions of this Act during the remainder of such year, but when 75 per centum of the maximum number of any nationality admissible during the fiscal year shall have been admitted such statements shall be issued weekly thereafter. All statements shall be made available for general publication and shall be mailed to all transportation companies bringing aliens to the United States who shall request the same and shall file with the Department of Labor the address to which such statements shall be sent. The Secretary of Labor shall also submit such statements to the Secretary of State, who shall transmit the information contained therein to the proper diplomatic and con-

sular officials of the United States, which officials shall make the same available to persons intending to emigrate to the United States and to others who may apply (May 19, 1921, c. 8, § 3, 42 Stat. 6)

See note to § 4289½, ante

§ 4289½c. Same; act additional to existing immigration laws—The provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws (May 19, 1921, c 8, § 4, 42 Stat 7.)

See note to § 4289½, ante

§ 4289½d. Same; time of taking effect of act; time of effective operation of act—This Act shall take effect and be enforced 15 days after its enactment (except sections 1 and 3 and subdivisions (b) and (c) of section 2, which shall take effect immediately upon the enactment of this Act), and shall continue in force until June 30, 1922, and the number of aliens of any nationality who may be admitted during the remaining period of the current fiscal year, from the date when this Act becomes effective to June 30, shall be limited in proportion to the number admissible during the fiscal year 1922. (May 19, 1921, c. 8, § 5, 42 Stat 7.)

See note to § 4289½, ante.

The operation of this act was extended to and including June 30, 1924, by Res May 11, 1922, c 187, § 1, 42 Stat. 540

§ 4289½dd. Bringing into United States aliens not admissible under act; penalty—It shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this Act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States. (May 19, 1921, c. 8, § 6, added May 11, 1922, c 187, § 3, 42 Stat. 540.)

This section was added to Act May 19, 1921, c. 8, by Res. May 11, 1922, c. 187, § 3, cited above See note to § 4289½, ante.

§ 4289½e. Aliens temporarily admitted under bond in excess of quotas may remain—Aliens who entered the United States before March 7, 1922, in excess of quotas fixed under authority of the Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, and were temporarily admitted under bond, may, if otherwise admissible, and if not subject to deportation for other causes, be permitted by the Secretary of Labor to remain in the United States without regard to the provisions of such Act of May 19, 1921 In the case of any alien so permitted to remain the bond shall be canceled (Dec 27, 1922, c 15, 42 Stat. 1065)

This section is a resolution entitled a "Joint Resolution to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the Immigration Act of May 19, 1921," cited above

§ 4289½ee. Act May 19, 1921, c. 8, in force for imposition, collection, and enforcement of penalties; deportation of aliens entering in violation thereof—The Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such Act or regulations made thereunder may be deported in the same manner as if such Act had not expired (May 26, 1924, c. 190, § 30, 43 Stat 169.)

This section is § 30 of Act May 26, 1924, c 190, entitled "An act to limit the immigration of aliens into the United States, and for other purposes," cited above See note to § 4289¾, post.

§ 4289½eee. Aliens arriving in excess of quota permitted to remain—The following aliens arriving in excess of quotas fixed under authority of the Act entitled "An Act to limit the immigration of aliens into the United States," approved May 19, 1921, as amended and extended, may, if otherwise admissible and if not subject to deportation for other causes, be permitted to enter and remain in the United States without regard to the provisions of such Act of May 19, 1921, as amended and extended.

(1) Aliens heretofore admitted in excess of quota and charged to the quota of a later month;

(2) Aliens heretofore admitted under a construction of such Act of May 19, 1921, required by court decision,

(3) Aliens arriving in the United States after May 26 and before July 1, 1924, who departed for the United States from the last port outside the United States or outside foreign contiguous territory on or before May 26, 1924, believing in good faith that they would be admitted pursuant to a construction of such Act of May 19, 1921, required by court decision; and

(4) Aliens heretofore temporarily admitted under bond to relieve cases of extreme hardship. (June 7, 1924, c. 379, 43 Stat. 669.)

This section is a resolution entitled a "Joint resolution to permit to remain within the United States certain aliens in excess of quotas fixed under authority of the Immigration Act of May 19, 1921," cited above.

IMMIGRATION ACT OF 1924

§ 4289¾. Citation of act—This Act may be cited as the "Immigration Act of 1924." (May 26, 1924, c. 190, § 1, 43 Stat. 153.)

This section, and the 28 sections next following, are §§ 1-20(a-c), 21-25, 28, 29, 31, 32 of the Immigration Act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes," cited above. Section 20(d) repeals § 32 of the Immigration Act of 1917 (ante, § 4289¼r, note); section 26 amends § 9 of the Immigration Act of 1917 (ante, § 4289¼c); section 27 amends § 10 of the Immigration Act of 1917 (ante, § 4289¼ee); and section 30 continues in force for certain purposes Act May 19, 1921, c. 8 (ante, § 4289½ee).

IMMIGRATION VISAS

§ 4289¾a. (a) Authority to issue visas; contents—A consular officer upon the application of any immigrant (as defined in section 3) may (under

the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant, (2) whether he is a quota immigrant (as defined in section 5) or a non-quota immigrant (as defined in section 4), (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed

(b) Photograph of immigrant—The immigrant shall furnish two copies of his photograph to the consular officer One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed

(c) Period of validity of visa—The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired

(d) Notation on passport of number of visa—If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this Act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visa

(e) Entry on manifests or passenger lists of data concerning visas; surrender of visas at ports of inspection and transmittal to Department of Labor—The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor

(f) Visas not to be issued, when—No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this Act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

(g) Visas not to entitle inadmissible aliens to entry—Nothing in this Act shall be construed to entitle an immigrant, to whom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

(h) Fee for visa—A fee of $9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts

(i) Reduction or abolition of visé fees—That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the Immigration Act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries. (May 26, 1924, c. 190, § 2, 43 Stat 153 Feb 25, 1925, c. 316, 43 Stat. 976)

See note to § 4289¾, ante

Paragraph (i) of this section is an act entitled "An act to authorize the President in certain cases to modify visé fees," cited above

DEFINITION OF "IMMIGRANT"

§ 4289¾aa. "Immigrant" defined—When used in this Act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation (May 26, 1924, c. 190, § 3, 43 Stat. 154.)

See note to § 4289¾, ante

NON-QUOTA IMMIGRANTS

§ 4289¾b. "Non-quota immigrant" defined—When used in this Act the term "non-quota immigrant" means—

(a) An immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least

two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

(c) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn. (May 26, 1924, c. 190, § 4, 43 Stat. 155)

See note to § 4289¾, ante.

QUOTA IMMIGRANTS

§ 4289¾bb. "Quota immigrant" defined— When used in this Act the term "quota immigrant" means any immigrant who is not a non-quota immigrant An alien who is not particularly specified in this Act as a non-quota immigrant or a non-immigrant shall not be admitted as a non-quota immigrant or a non-immigrant by reason of relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration. (May 26, 1924, c. 190, § 5, 43 Stat. 155)

See note to § 4289¾, ante.

PREFERENCES WITHIN QUOTAS

§ 4289¾c. (a) Enumeration of preferences— In the issuance of immigration visas to quota immigrants preference shall be given—

(1) To a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife, of a citizen of the United States who is 21 years of age or over; and

(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of 16 years, if accompanying or following to join him. The preference provided in this paragraph shall not apply to immigrants of any nationality the annual quota for which is less than 300.

(b) Percentage of preferences—The preference provided in subdivision (a) shall not in the case of quota immigrants of any nationality exceed 50 per centum of the annual quota for such nationality. Nothing in this section shall be construed to grant to the class of immigrants specified in paragraph (1) of subdivision (a) a priority in preference over the class specified in paragraph (2).

(c) Time for giving of preference—The preference provided in this section shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month. (May 26, 1924, c. 190, § 6, 43 Stat. 155.)

See note to § 4289¾, ante.

APPLICATION FOR IMMIGRATION VISA

§ 4289¾cc. (a) Duplicate application; form of—Every immigrant applying for an immigration visa shall make application therefor in duplicate in such form as shall be by regulations prescribed

(b) Contents—In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race, the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any, calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination, whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a non-quota immigrant, the facts on which he bases such claim; and (3) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws, as may be by regulations prescribed.

(c) Copies of dossier and other records—The immigrant shall furnish, if available, to the consular officer, with his application, two copies of his "dossier" and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof. An immigrant having an unexpired permit issued under the provisions of section 10 shall not be subject to this subdivision In the case of an application made before September 1, 1924, if it appears to the satisfaction of the consular officer that the immigrant has obtained a visa of his passport before the enactment of this Act, and is unable to obtain the documents referred to in this subdivision without undue expense and delay, owing to absence from the country from which such documents should be obtained, the consular officer may relieve such immigrant from the requirements of this subdivision.

(d) Statement as to membership in classes of aliens excluded—In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws, and such classes shall be stated on the blank in such form as shall be by regulations prescribed, and the immigrant shall answer separately as to each class.

(e) Statement as to exemption from exclusion— If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

(f) Signature to and verification of application; one copy to be immigration visa when visaed; disposition of other copy—Each copy of the application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant administered by the consular officer. One copy of the application, when visaed

by the consular officer, shall become the immigration visa, and the other copy shall be disposed of as may be by regulations prescribed.

(g) Verification of application by immigrant under age of eighteen—In the case of an immigrant under eighteen years of age the application may be made and verified by such individual as shall be by regulations prescribed

(h) Fee for furnishing and verification of application—A fee of $1 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and shall be covered into the Treasury as miscellaneous receipts. (May 26, 1924, c. 190, § 7, 43 Stat. 156.)

See note to § 4289¾, ante
See ante, § 4289¾a, par (i).

NON-QUOTA IMMIGRATION VISAS

§ 4289¾d. When and how issued—A consular officer may, subject to the limitations provided in sections 2 and 9, issue an immigration visa to a non-quota immigrant as such upon satisfactory proof, under regulations prescribed under this Act, that the applicant is entitled to be regarded as a non-quota immigrant. (May 26, 1924, c. 190, § 8, 43 Stat 157.)

See note to § 4289¾, ante.

ISSUANCE OF IMMIGRATION VISAS TO RELATIVES

§ 4289¾dd. (a) Authority to issue—In case of any immigrant claiming in his application for an immigration visa to be a non-quota immigrant by reason of relationship under the provisions of subdivision (a) of section 4, or to be entitled to preference by reason of relationship to a citizen of the United States under the provisions of section 6, the consular officer shall not issue such immigration visa or grant such preference until he has been authorized to do so as hereinafter in this section provided.

(b) Persons entitled to; petition for; form and contents—Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a non-quota immigrant under the provisions of subdivision (a) of section 4 or is entitled to preference as a relative under section 6, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed, (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge, and (7) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

(c) Verification of petition; documentary evidence accompanying—The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this Act. Application may be made in the same petition for admission of more than one individual

(d) Supporting statements accompanying—The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made These statements shall be attested in the same way as the petition.

(e) Action of Commissioner General, Secretary of Labor, and Secretary of State—If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a non-quota immigrant under subdivision (a) of section 4 or is entitled to preference as a relative under section 6, he shall, with the approval of the Secretary of Labor, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa or grant the preference.

(f) Effect on rights of non-quota immigrants—Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a non-quota immigrant, if, upon arrival in the United States, he is found not to be a non-quota immigrant. (May 26, 1924, c. 190, § 9, 43 Stat. 157.)

See note to § 4289¾, ante

PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

§ 4289¾e. (a) Persons entitled to; application for; form and contents; verification; photograph accompanying—Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

(b) Issue by Commissioner General with approval of Secretary of Labor; life of permit; form and contents of permit; photograph attached—If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall, with the approval of the Secretary of Labor, issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

(c) Extension of life of permit—On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions, as shall be by regulations prescribed.

(d) Fee for permit—For the issuance of the permit, and for each extension thereof, there shall be paid a fee of $3, which shall be covered into the Treasury as miscellaneous receipts.

(e) Surrender of permit on return to United States—Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

(f) Effect of permit on rights of alien—A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning (May 26, 1924, c. 190, § 10, 43 Stat. 158.)

See note to § 4289¾, ante

NUMERICAL LIMITATIONS

§ 4289¾ee. (a) Annual quota to be percentage of residents of nationality determined by census of 1890; minimum quota—The annual quota of any nationality shall be 2 per centum of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100

(b) Annual quota for fiscal year beginning July 1, 1927; minimum quota—The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

(c) Determination of national origin—For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

(d) Inhabitants in continental United States in 1920—For the purpose of subdivisions (b) and (c) the term "inhabitants in continental United States in 1920" does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines

(e) Determination of national origin; by whom made; procedure; Presidential proclamation of quotas—The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation After the making of a proclamation under this subdivision the quotas proclaimed therein shall continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12 If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

(f) Immigration visas limited to quotas—There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per centum of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the Commissioner General, with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality

(g) Issue of visa to non-quota immigrant as quota immigrant—Nothing in this Act shall prevent the issuance (without increasing the total number of immigration visas which may be issued) of an immigration visa to an immigrant as a quota immigrant even though he is a non-quota immigrant. (May 26, 1924, c. 190, § 11, 43 Stat. 159)

See note to § 4289¾, ante

NATIONALITY

§ 4289¾f. (a) Determination of nationality—For the purposes of this Act nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a child under twenty-one years of age not born in the United States, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration visa, and the nationality of a child under twenty-one years of age not born in the United States, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration visa; and (2) if a wife is of a different nationality from her alien husband and the entire number of immigration visas which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration visa, unless the total number of immigration visas which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

(b) Statement of resident individuals of various nationalities—The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this Act, prepare a statement showing the number of individuals of the various nationalities resi-

dent in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 11. In the case of a country recognized by the United States, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

(c) Effect of changes in political boundaries in foreign countries—In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the Governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 11) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political boundaries occur after the determination provided for in subdivision (c) of section 11 has been proclaimed, such officials, jointly, shall revise such determination, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

(d) Statements, etc., made annually—The statements, estimates, and revisions provided in this section shall be made annually, but for any fiscal year for which quotas are in effect as proclaimed under subdivision (e) of section 11, shall be made only (1) for the purpose of determining the nationality of immigrants seeking admission to the United States during such year, or (2) for the purposes of clause (2) of subdivision (c) of this section.

(e) Annual report to President of quota of nationalities; proclamation of quotas—Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (a) of section 11, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas so reported and thereafter such quotas shall continue, with the same effect as if specifically stated herein, for all fiscal years except those years for which quotas are in effect as proclaimed under subdivision (e) of section 11, and shall be final and conclusive for every purpose. (May 26, 1924, c. 190, § 12, 43 Stat. 160.)

See note to § 4289¾, ante.

EXCLUSION FROM UNITED STATES

§ 4289¾ff. (a) Persons not to be admitted—No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a non-quota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

(b) Readmission of legally admitted aliens who have temporarily departed without visas—In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

(c) Aliens ineligible to citizenship—No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a non-quota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

(d) Aliens inadmissible under clauses 2 and 3 of subd. (a) of this section—The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

(e) Same; exhaustion of permitted visas issuable to quota immigrants—No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted, but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

(f) Fines not to be remitted or refunded—Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 16 (May 26, 1924, c. 190, § 13, 43 Stat. 161.)

See note to § 4289¾, ante.

DEPORTATION

§ 4289¾g. Procedure; alien children under age of 16—Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this Act to enter the United States, or to have remained therein for a longer time than permitted under this Act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the Immigration Act of 1917: Provided, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under sixteen years of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States. (May 26, 1924, c. 190, § 14, 43 Stat. 162.)

See note to § 4289¾, ante.

MAINTENANCE OF EXEMPT STATUS

§ 4289¾gg. Length and conditions of admissions of persons excepted from definition of immigrant and non-quota immigrants; bonds—The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a non-quota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States. (May 26, 1924, c. 190, § 15, 43 Stat. 162.)

See note to § 4289¾, ante.

PENALTY FOR ILLEGAL TRANSPORTATION

§ 4289¾h. Unlawful bringing of alien into United States by water; penalty; amount; clearance to vessels; remission or refundment—(a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a non-quota immigrant.

(b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a non-quota immigrant. (May 26, 1924, c. 190, § 16, 43 Stat. 163)

See note to § 4289¾, ante.

ENTRY FROM FOREIGN CONTIGUOUS TERRITORY

§ 4289¾hh. Contracts with transportation lines; rules and regulations—The Commissioner General, with the approval of the Secretary of Labor, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this Act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from or through foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this Act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States. (May 26, 1924, c. 190, § 17, 43 Stat. 163.)

See note to § 4289¾, ante.

UNUSED IMMIGRATION VISAS

§ 4289¾i. Additional not to issue in lieu of—If a quota immigrant of any nationality having an immigration visa is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the immigration visa, or if an alien of any nationality having an immigration visa issued to him as a quota immigrant is found not to be a quota immigrant, no additional immigration visa shall be issued in lieu there-

of to any other immigrant (May 26, 1924, c. 190, § 18, 43 Stat 164)

See note to § 4289¾, ante

ALIEN SEAMEN

§ 4289¾ii. Landing of excluded seamen prohibited; temporary landing—No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States. (May 26, 1924, c. 190, § 19, 43 Stat. 164.)

See note to § 4289¾, ante

§ 4289¾jj. (a) Detention of seamen on board vessel until after inspection; detention or deportation; penalty; clearance to vessels—The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs

(b) Prima facie evidence of failure to detain or deport—Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

(c) Deportation; procedure—If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor. (May 26, 1924, c. 190, § 20 (a-c), 43 Stat. 164)

See note to § 4289¾, ante
Paragraph (d) of this section repeals § 32 of the Immigration Act of 1917. See ante, § 4289¼r, note.

PREPARATION OF DOCUMENTS

§ 4289¾jj. (a) Reentry permits; preparation, printing and distribution—Permits issued under section 10 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this Act.

(b) Blank forms of manifests and crew lists—The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 12, 13, 14, and 36 of the Immigration Act of 1917 (May 26, 1924, c. 190, § 21, 43 Stat 165.)

See note to § 4289¾, ante.

OFFENSES IN CONNECTION WITH DOCUMENTS

§ 4289¾k. (a) Forging, counterfeiting, etc., immigration visas or permits; penalty—Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained, or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas or permits, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(b) False personation of another; using assumed or fictitious name; unlawful sale, etc., of visa or permit; penalty—Any individual who (1) when applying for an immigration visa or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

(c) False statements; penalty—Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both. (May 26, 1924, c. 190, § 22, 43 Stat. 165.)

See note to § 4289¾, ante.

BURDEN OF PROOF

§ 4289¾kk. To show non-subjection to exclusion and lawful entry—Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor. (May 26, 1924, c. 190, § 23, 43 Stat. 165.)

See note to § 4289¾, ante.

RULES AND REGULATIONS

§ 4289¾l. Authority to make—The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this Act, but all such rules and regulations, in so far as they relate to the administration of this Act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor. (May 26, 1924, c. 190, § 24, 43 Stat. 166)

See note to § 4289¾, ante.

ACT TO BE IN ADDITION TO IMMIGRATION LAWS

§ 4289¾ll. Act additional to other immigration laws—The provisions of this Act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this Act An alien, although admissible under the provisions of this Act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this Act, and an alien, although admissible under the provisions of the immigration laws other than this Act, shall not be admitted to the United States if he is excluded by any provision of this Act. (May 26, 1924, c. 190, § 25, 43 Stat. 166.)

See note to § 4289¾, ante.

GENERAL DEFINITIONS

§ 4289¾m. Definitions—As used in this Act—

(a) The term "United States," when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands, and the term "continental United States" means the States and the District of Columbia;

(b) The term "alien" includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

(c) The term "ineligible to citizenship," when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the Act entitled "An Act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

(d) The term "immigration visa" means an immigration visa issued by a consular officer under the provisions of this Act;

(e) The term "consular officer" means any consular or diplomatic officer of the United States designated, under regulations prescribed under this Act, for the purpose of issuing immigration visas under this Act. In case of the Canal Zone and the insular possessions of the United States the term "consular officer" (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this Act;

(f) The term "Immigration Act of 1917" means the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States";

(g) The term "immigration laws" includes such Act, this Act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens,

(h) The term 'person" includes individuals, partnerships, corporations, and associations;

(i) The term "Commissioner General" means the Commissioner General of Immigration,

(j) The term "application for admission" has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

(k) The term "permit" means a permit issued under section 10;

(l) The term "unmarried," when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married,

(m) The terms "child," "father," and "mother," do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

(n) The terms "wife" and "husband" do not include a wife or husband by reason of a proxy or picture marriage. (May 26, 1924, c. 190, § 28, 43 Stat. 168)

See note to § 4289¾, ante

AUTHORIZATION OF APPROPRIATION

§ 4289¾mm. Appropriation authorized—The appropriation of such sums as may be necessary for the enforcement of this Act is hereby authorized (May 26, 1924, c. 190, § 29, 43 Stat. 169)

See note to § 4289¾, ante.

TIME OF TAKING EFFECT

§ 4289¾n. Effective date of act—(a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (l) of section 11, shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924 In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per centum of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this Act shall take effect upon its enactment

(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this Act, except section 23 (May 26, 1924, c. 190, § 31, 43 Stat. 169)

See note to § 4289¾, ante.

SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

§ 4289¾nn. Partial invalidity of act—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby (May 26, 1924, c. 190, § 32, 43 Stat. 169.)

See note to § 4289¾, ante.

Chapter B—Exclusion of Chinese

§ 4316a. Payment of charges for maintenance or return of Chinese persons—All charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission (Aug 24, 1912, c. 355, § 1, 37 Stat. 476)

From the sundry civil appropriation act for the year 1913, cited above.

§ 4320.

Res Nov 23, 1921, c 148, 42 Stat. 325, authorizes and directs the Commissioner General of Immigration to register, and issue a certificate of registration, to 365 Chinamen, temporarily domiciled in the United States, who attached themselves to the punitive military expedition into Mexico in 1916, and who were brought into the United States as refugees upon the return of the expedition, such registration to correspond as nearly as may be to the registration prescribed by Act May 5, 1892, c 60, § 6, 27 Stat 25, as amended by Act Nov 3, 1893, c 14, § 1, 28 Stat 7, such certificates to constitute evidence of the right of the Chinamen to remain in the United States Said resolution further provides that these Chinamen shall, before being registered, be given the examination prescribed by Act Feb 5, 1917, c 29, 39 Stat 874, with the exception of the reading test, and that such of them as may be found inadmissible under said act shall be deported, and that if any of them shall, after being registered, become members of any of the classes for the expulsion of which provision is made in § 19 of said act they shall be deported Said resolution further provides that the certificate of registration shall be issued without charge, and provides for punishment by fine or imprisonment for the taking of any fee, etc, in connection with the registration, the procurement of the certificate, or the passage of the resolution.

TITLE XXX—NATURALIZATION

§ 4352aaa. Persons of foreign birth serving in military or naval forces of United States during war with Germany—Any person of foreign birth who served in the military or naval forces of the United States during the present war, after final examination and acceptance by the said military or naval authorities, and shall have been honorably discharged after such acceptance and service, shall have the benefits of the seventh subdivision of section 4 of the Act of June 29, 1906, Thirty-fourth Statutes at Large, part 1, page 596, as amended, and shall not be required to pay any fee therefor; and this provision shall continue for the period of one year after all of the American troops are returned to the United States. (July 19, 1919, c. 24, § 1, 41 Stat. 222.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1920, cited above.

§ 4358a. Sex or marriage not bar to naturalization—The right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman (Sept. 22, 1922, c. 411, § 1, 42 Stat 1021)

This section, and the three sections next following are sections 1, 2, 4, 5, of an act entitled "An act relative to the naturalization and citizenship of married women," cited above See, also, note to § 3061a, ante

§ 4358b. Naturalization of women marrying citizens or persons becoming naturalized; procedure—Any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition. (Sept. 22, 1922, c. 411, § 2, 42 Stat 1022.)

See notes to §§ 3961a, 4358a, ante.

§ 4358c. Naturalization of women who have lost citizenship by marrying aliens eligible to citizenship; procedure—A woman who, before the passage of this Act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this Act: Provided, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this Act. (Sept. 22, 1922, c. 411, § 4, 42 Stat 1022.)

See notes to §§ 3961a, 4358a, ante.

§ 4358d. Naturalization of women married to persons ineligible to citizenship—No woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status. (Sept 22, 1922, c 411, § 5, 42 Stat. 1022)

See notes to §§ 3961a, 4358a, ante.

TITLE XXXI—THE CENSUS

§§ 4385-4388. [Repealed.]

These sections, which were sections 1, 2, and 8 of Act July 2, 1909, c 2, 36 Stat 1-3, and Res March 24, 1910, No 17, 36 Stat 877, were repealed by Act March 3, 1919, c 97, § 34, post, § 4388nn

§ 4388a. Times for taking census; places included—A census of the population, agriculture, manufactures, forestry and forest products, and mines and quarries of the United States shall be taken by the Director of the Census in the year nineteen hundred and twenty and every ten years thereafter. The census herein provided for shall include each State, the District of Columbia, Alaska, Hawaii, and Porto Rico. A census of Guam and Samoa shall be taken in the same year by the respective governors of said islands and a census of the Panama Canal Zone by the governor of the Canal Zone in accordance with plans prescribed or approved by the Director of the Census. (March 3, 1919, c. 97, § 1, 40 Stat. 1291.)

This section, and the twenty-seven sections next following, are §§ 1, 2, 8-28, 30-34 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses," cited above

Section 3 of said act is set forth ante, § 915, section 4 is set forth ante, § 916; section 5 is set forth ante, § 917, section 6 is set forth ante, §§ 918, 3214a, section 7 is set forth ante, §§ 919, 3284, and section 29 is set forth post, § 7376.

§ 4388aa. Decennial census period—The period of three years beginning the first day of July next preceding the census provided for in section one of this Act shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed and published within such period. (March 3, 1919, c. 97, § 2, 40 Stat. 1292)

See notes to § 4388a, ante

§ 4388b. Scope of Fourteenth Census; schedules; statistics—The Fourteenth Census shall be re-

stricted to inquiries relating to population, to agriculture, to manufactures, to forestry and forest products, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, place of abode, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, nationality or mother tongue of all persons born in foreign countries, nationality or mother tongue of parents of foreign birth, number of years in the United States, citizenship, occupation, whether or not employer or employee, whether or not engaged in agriculture, school attendance, literacy, tenure of home and the encumbrance thereon, and the name and address of each blind or deaf and dumb person.

The schedules relating to agriculture shall include name, color, sex, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland, value of farm and improvements, and the encumbrance thereon, value of farm implements, number of live stock on farms, ranges, and elsewhere, and the acreage of crops and the quantities of crops and other farm products for the year ending December thirty-first next preceding the enumeration. Inquiries shall be made as to the quantity of land reclaimed by irrigation and drainage and the crops produced; also as to the location and character of irrigation and drainage enterprises, and the capital invested in such enterprises.

The schedules of inquiries relating to manufactures, to forestry and forest products, and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, corporate, or other form; character of business or kind of goods manufactured, amount of capital actually invested; number of proprietors, firm members, copartners and officers, and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures, principal miscellaneous expenses; quantity and value of products, time in operation during the year; character and quantity of power used; and character and number of machines employed.

The census of manufactures, of forestry and forest products, and of mines and quarries shall relate to the year ending December thirty-first, next preceding the enumeration of population, and shall be confined to manufacturing establishments and mines and quarries which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood, household, and hand industries.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The number, form, and subdivision of inquiries provided for in section eight shall be determined by the Director of the Census. (March 3, 1919, c. 97, § 8, 40 Stat. 1204.)

See notes to § 4388a, ante.

§ 4388bb. Supervisors of census; number; appointment—The Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the fourteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State, the District of Columbia, Alaska, Hawaii, and Porto Rico, and shall define the districts within which they are to act; except that the Director of the Census, in his discretion, need not designate supervisors for Alaska, Hawaii, and Porto Rico, but in lieu thereof may employ special agents as hereinafter provided. The supervisors shall be appointed by the Secretary of Commerce upon the recommendation of the Director of the Census: Provided, That the whole number of supervisors shall not exceed four hundred. Provided further, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts. And provided further, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of a supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district. (March 3, 1919, c. 97, § 9, 40 Stat. 1295.)

See notes to § 4388a, ante.

§ 4388c. Same; duties—Each supervisor of census shall be charged with the performance within his own district of the following duties: To consult with the Director of Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the director suitable persons and with his consent to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns, to use all diligence in causing the same to be corrected or supplied, to forward the completed returns of the enumerators to the director at such time and in such manner as shall be prescribed, and to make up and forward to the director the accounts of each enumerator in his district for service rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct if so found by the supervisor, and said accounts so certified shall be accepted and paid by the director. The duties imposed upon the supervisor by this Act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census. (March 3, 1919, c. 97, § 10, 40 Stat. 1295.)

See notes to § 4388a, ante.

§ 4388cc. Same; compensation—Each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of $1,500, and in addition thereto $1 for each thousand or major fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: Provided, That of the above-named compensation a sum not to exceed $600, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine: Provided further, That in emergencies arising in connection with the work of preparation for or during the progress of the enumeration in his district, or in connection with the renumeration of any subdivision, a supervisor may, in the discretion of the Director of the Census, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding $4 per day during his necessary absence from his usual place of residence: And provided further, That an appropriate allowance to supervisors for clerk hire may be made when deemed necessary by the Director of the Census. (March 3, 1919, c. 97, § 11, 40 Stat. 1296.)

See notes to § 4388a, ante.

§ 4388d. Enumerators; duties—Each enumerator shall be charged with the collection in his subdivision of the facts and statistics required by the population and agricultural schedules and such other schedules as the Director of the Census may determine shall be used by him in connection with the census, as provided in section eight of this Act. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this Act, as of date January first of the year in which the enumeration shall be made; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this Act, then it shall be lawful for the enumerator to obtain the required information as nearly as may be practicable from the family or families or person or persons living nearest to such place of abode who may be competent to answer such inquiries It shall be the duty also of each enumerator to forward the original schedules, properly filled out and duly certified, to the supervisor of his district as his returns under the provisions of this Act; and in the event of discrepancies or deficiencies being discovered in the schedules he shall use all diligence in correcting or supplying the same. In case an enumeration district embraces all or any part of any incorporated borough, village, town, or city, and also other territory not included within the limits of such incorporated borough, village, town, or city, it shall be the duty of the enumerator to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of such borough, village, town, or city from the inhabitants of the territory not included therein. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of the district to which he belongs a commission, signed by the supervisor, authorizing him to perform the duties of enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed. (March 3, 1919, c 97, § 12, 40 Stat. 1296.)

See notes to § 4388a, ante

§ 4388dd. Enumeration districts; assignment of enumerators—The territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this Act, and, in the discretion of the Director of the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines: Provided, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates. (March 3, 1919, c. 97, § 13, 40 Stat. 1296.)

See notes to § 4388a, ante.

§ 4388e. Enumerators; removal; incomplete or erroneous enumeration—Any supervisor of census may, with the approval of the Director of the Census, remove any enumerator in his district and fill the vacancy thus caused or otherwise occurring. Whenever it shall appear that any portion of the census provided for in this Act has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, the Director of the Census may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew. (March 3, 1919, c. 97, § 14, 40 Stat. 1297)

See notes to § 4388a, ante.

§ 4388ee. Interpreters—The Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorizations shall be given for such employment in any district until due and proper effort has been made to employ an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. It shall be the duty of such interpreters to accompany the enumerators and faithfully translate the latter's inquiries and the replies thereto, but in no case shall any such interpreter perform the duties of the enumerator unless commissioned as such by the Director of the Census The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed $5 per day for each day actually and necessarily employed. (March 3, 1919, c. 97, § 15, 40 Stat 1297)

See notes to § 4388a, ante.

§ 4388f. Enumerators; compensation; residence of supervisors and enumerators—The compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than 2 nor more than 4 cents for each inhabitant; not less than 20 nor more than 30 cents for each establishment of productive industry reported; not less than 20 nor more than 30 cents for each farm reported; not less than 20 nor more than 50 cents for each irrigation or drainage enterprise reported; and 10 cents for each barn and inclosure containing live stock not on farms In other subdivisions the Director of the Census may fix a mixed rate of not less than $1 nor more than $2 per day and, in addition, an allowance of not less than 1 nor more than 3 cents for each inhabitant enumerated, and not less than 15 nor more than 20 cents for each farm and each establishment of productive industry reported. In other subdivisions per diem rates shall be fixed by the director according to the difficulty of enumeration, having special reference to the regions to be canvassed and the sparsity of settlement or other considerations pertinent thereto. The compensation allowed to an enumerator in any such district shall not be less than $3 nor more than $6 per day of eight hours' actual field work, and no payment shall be made for time in excess of eight hours for any one day. The subdivisions or enumeration districts to which the several rates of compensation shall apply shall be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census; and the decision of the director as to the amount due any enumerator shall be final: Provided, That within the limits of continental United States each supervisor to be appointed or selected under this Act shall be an actual resident of the district, and each enumerator to be appointed or selected under this Act shall, so far as practicable, be an actual resident of the subdivision within which his duties are to be performed; but an enumerator may be appointed if he be an actual resident of the city, township, or other civil division of which the subdivision in which his duties are to be performed is a part. (March 3, 1919, c. 97, § 16, 40 Stat. 1297.)

See notes to § 4388a, ante.

§ 4388ff. Death of supervisor or enumerator—In the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census is authorized to pay to the widow or legal representative of such supervisor or enumerator such sum as he may deem just and fair for the services rendered by such supervisor or enumerator (March 3, 1919, c 97, § 17, 40 Stat. 1298)

See notes to § 4388a, ante

§ 4388g. Special agents; appointment; authority; compensation—Special agents may be appointed by the Director of the Census to carry out the provisions of this Act and of the Act to provide for a permanent Census Office, approved March sixth, nineteen hundred and two, and Acts amendatory thereof or supplemental thereto; and such special agents shall perform such duties in connection with the enforcement of said Acts as may be required of them by the Director of the Census. The special agents thus appointed shall receive compensation at rates to be fixed by the Director of the Census, such compensation, however, not to exceed $6 per diem except as hereinafter provided: Provided, That during the decennial census period the Director of the Census may fix the compensation of not to exceed twenty-five special agents, who shall be persons of known and tried experience in statistical work, at an amount not to exceed $10 per diem. Provided further, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis without limitation as to the amount earned per diem: And provided further, That the special agents appointed under this section shall be entitled to necessary traveling expenses and an allowance in lieu of subsistence not to exceed $4 per diem during necessary absence from their usual places of residence; but no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: And provided further, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office; and the special agents and employees of the Census Office so appointed or employed shall perform such duties in connection with the enforcement of this Act as may be required of them by the Director of the Census or by the supervisors of the districts to which they are assigned, and when engaged in the work of enumeration or reenumeration shall have like authority with and perform the same duties as the enumerators in respect to the subjects committed to them under this Act. (March 3, 1919, c. 97, § 18, 40 Stat 1298.)

See notes to § 4388a, ante.

§ 4388gg. Oath of supervisors and other employees; qualifications of employees—Every supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee shall take and subscribe to an oath or affirmation, to be prescribed by the Director of the Census. All appointees and employees provided for in this Act shall be appointed or employed and examined, if examination is required by this Act, solely with reference to their fitness to perform the duties required of them by the provisions of this Act and without reference to their political party affiliations (March 3, 1919, c. 97, § 19, 40 Stat. 1298)

See notes to § 4388a, ante

§ 4388h. Date for taking enumeration; commencement and completion—The enumeration of the population required by section one of this Act shall be taken as of the first day of January, and it shall be the duty of each enumerator to commence the enumeration of his district on the day following, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made and to forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district: Provided, That in any city having two thousand five hundred inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof. (March 3, 1919, c 97, § 20, 40 Stat. 1298)

See notes to § 4388a, ante

§ 4388hh. Receiving compensation for appointment or employment of supervisor or other employé—If any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator, or clerk, or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator, clerk, or other employee, he shall be deemed guilty of a felony, and upon conviction thereof shall be fined not more than $3,000 and be imprisoned not more than five years. (March 3, 1919, c 97, § 21, 40 Stat. 1299)

See notes to § 4388a, ante

§ 4388i. Offenses by census officials—Any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee who, having taken and subscribed the oath of office required by this Act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $500; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provisions of this Act, or the Act to provide for a permanent Census Office or Acts amendatory thereof or supplemental thereto, he shall be guilty of a felony and shall upon conviction thereof be fined not to exceed $1,000 or be imprisoned not to exceed two years, or both so fined and imprisoned in the discretion of the court; or if he shall willfully and knowingly swear or affirm falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this Act or of the Act to provide for a permanent Census Office or Acts amendatory thereof or supplemental thereto, he shall be deemed guilty of perjury, and upon conviction thereof shall be fined not exceeding $2,000 or imprisoned not exceeding five years, or both; or if he shall willfully and knowingly make a false certificate or a fictitious return he shall be guilty of a felony, and upon conviction of either of the last-named offenses he shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both; or if any person who is or has been an enumerator shall knowingly or willfully furnish or cause to be furnished, directly or indirectly, to the Director of the Census or to any supervisor of the census any false statement or false information with reference to any inquiry for which he was authorized and required to collect information he shall be guilty

of a felony, and upon conviction thereof shall be fined not exceeding $2,000 or be imprisoned not exceeding five years, or both (March 3, 1919, c. 97, § 22, 40 Stat 1299.)

See notes to § 4388a, ante

§ 4388ii. Answering questions; causing inaccurate enumeration—It shall be the duty of all persons over eighteen years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the families to which they belong or are related, and to the farm or farms of which they or their families are the occupants, and any person over eighteen years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $100.

And it is hereby made unlawful for any individual, committee, or other organization of any kind whatsoever, to offer or render to any supervisor, supervisor's clerk, enumerator, interpreter special agent, or other officer or employee of the Census Office engaged in making an enumeration of population, either directly or indirectly, any suggestion, advice, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, either as to the number of persons resident in any district or community, or in any other respect; and any individual, or any officer or member of any committee or other organization of any kind whatsoever, who directly or indirectly offers or renders any such suggestion, advice, information, or assistance, with such unlawful intent or purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000.

And it shall be the duty of every owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes, including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $500. (March 3, 1919, c. 97, § 23, 40 Stat. 1299.)

See notes to § 4388a, ante

§ 4388j. Same; owners or officers of companies—It shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this Act, or of the Act to provide for a permanent Census Office, approved March sixth, nineteen hundred and two, or of Acts amendatory thereof or supplemental thereto; and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions, or by willfully giving answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $10,000, or imprisoned for a period not exceeding one year, or both so fined and imprisoned (March 3, 1919, c. 97, § 24, 40 Stat. 1300)

See notes to § 4388a, ante.

§ 4388jj. Information used only for statistical purposes—The information furnished under the provisions of the next preceding section shall be used only for the statistical purposes for which it is supplied No publication shall be made by the Census Office whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports (March 3, 1919, c. 97, § 25, 40 Stat. 1300)

See notes to § 4388a, ante

§ 4388k. Enforcement of fines and penalties—All fines and penalties imposed by this Act may be enforced by indictment or information in any court of competent jurisdiction (March 3, 1919, c. 97, § 26, 40 Stat 1300)

See notes to § 4388a, ante

§ 4388kk. Expenditures; authority of Director—The Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding $4 per day during their necessary absence from the Census Office, or, instead of such an allowance, their actual subsistence expenses, not to exceed $5 per day; and he may authorize the incidental, miscellaneous, and contingent expenses necessary for the carrying out of this Act, as herein provided, and not otherwise, including advertising in newspapers,' the purchase of manuscripts, books of reference, and periodicals, the rental of sufficient quarters in the District of Columbia and elsewhere and the furnishing thereof, and expenditures necessary for compiling, printing, publishing, and distributing the results of the census, the purchase of necessary paper and other supplies, the purchase, rental, exchange, construction, and repair of mechanical appliances, the compensation of such permanent and temporary clerks as may be employed under the provisions of this Act and the Act establishing the permanent Census Office and Acts amendatory thereof or supplemental thereto, and all other expenses incurred under authority conveyed in this Act. (March 3, 1919, c. 97, § 27, 40 Stat. 1300)

See notes to § 4388a, ante.

§ 4388*l*. Printing for census—The Director of the Census is hereby authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this Act, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; that he is further authorized to have printed by the Public Printer, in such editions as the director may deem necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this Act or by the Act to establish a permanent Census Office and Acts amendatory thereof or supplemental thereto, and to publish and distribute said bulletins and reports. (March 3, 1919, c. 97, § 28, 40 Stat. 1301.)

See notes to § 4388a, ante.

§ 4388ll. Information from other Departments or offices—The Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for. (March 3, 1919, c. 97, § 30, 40 Stat. 1301.)

See notes to § 4388a, ante

§ 4388m. Census of agriculture and live stock—There shall be in the year nineteen hundred and twenty-five, and once every ten years thereafter, a census of agriculture and live stock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country The schedule employed in this census shall be prepared by the Director of the Census Such census shall be taken as of the first day of January and shall relate to the preceding calendar year. The Director of the Census may appoint enumerators or special agents for the purpose of this census in accordance with the provisions of the permanent census Act (March 3, 1919, c 97, § 31, 40 Stat. 1301.)

See notes to § 4388a, ante

§ 4388mm. Statistics of products of manufacturing establishments—That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, for the years nineteen hundred and twenty-one, nineteen hundred and twenty-three, nineteen hundred and twenty-five, and nineteen hundred and twenty-seven, and for every tenth year after each of said years, statistics of the products of manufacturing industries; and the director is hereby authorized to prepare such schedules as in his judgment may be necessary (March 3, 1919, c. 97, § 32, 40 Stat. 1301.)

See notes to § 4388a, ante

§ 4388n. Copies of returns for States, courts, or certain individuals—That the Director of the Census be, and he is hereby, authorized, at his discretion, upon the written request of the governor of any State or Territory or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies and $1 additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and $1 for supplying a certificate; and that the Director of the Census is authorized to furnish transcripts of tables and other records and to prepare special statistical compilations for State or local officials, private concerns, or individuals upon the payment of the actual cost of such work: Provided, however, That in no case shall information furnished under the authority of this Act be used to the detriment of the person or persons to whom such information relates. All moneys hereafter received by the Bureau of the Census in payment for labor and materials used in furnishing transcripts of census records or special statistical compilations from such records shall be deposited to the credit of the appropriation for collecting statistics. (March 3, 1919, c. 97, § 33, 40 Stat. 1301.)

See notes to § 4388a, ante.

§ 4388nn. Repeal—The Act establishing the permanent Census Office, approved March sixth, nineteen hundred and two, and Acts amendatory thereof and supplemental thereto, except as are herein amended, shall remain in full force. That the Act entitled "An Act to provide for the thirteenth and subsequent decennial censuses," approved July second, nineteen hundred and nine, and Acts amendatory thereof, and all other laws and parts of laws inconsistent with the provisions of this Act, are hereby repealed (March 3, 1919, c 97, § 34, 40 Stat. 1302)

See notes to § 4388a, ante

§§ 4393-4402. [Repealed]

These sections, which were §§ 9-18 of Act July 2, 1909, c 2, 36 Stat 4-7, were repealed by Act March 3, 1919, c 97, § 34, ante, § 4388nn

§§ 4404-4413. [Repealed]

These sections, which were Act Aug 5, 1909, c 7, 36 Stat 126, and §§ 19-27 of Act July 2, 1909, c 2, 36 Stat 7-9, were repealed by Act March 3, 1919, c 97, § 34, ante, § 4388nn

§§ 4415, 4416. [Repealed]

These sections, which were §§ 28, 30, of Act July 2, 1909, c 2, 36 Stat 10, were repealed by Act March 3, 1919, c 97, § 34, ante, § 4388nn.

§§ 4418, 4419. [Repealed]

These sections, which were §§ 32, 33, of Act July 2, 1909, c. 2, 36 Stat 10, were repealed by Act March 3, 1919, c 97, § 34, ante, § 4388nn

§ 4429. Cotton statistics; information to be included—That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; the number of active spindle hours, and the quantity of cotton imported and exported, with the country of origin and destination. (April 2, 1924, c. 80, § 1, 43 Stat. 31.)

This section, and the six sections next following, are an act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," cited above. Section 7 of this act, post, § 4434, repeals Act July 22, 1912, c. 249 (U. S. Comp St. 1918, §§ 4429-4434).

§ 4430. Same; periods for statistics of quantity of cotton ginned, etc.; reports; contents and distribution—The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1: Provided, That the Director of the Census may limit the canvasses of August 1 and August 16, to those sections of the cotton-growing States in which cotton has been ginned The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle hours, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported.

All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton. (April 2, 1924, c. 80, § 2, 43 Stat. 31.)

See note to § 4429, ante.

§ 4431. Same; information confidential; penalty for divulging—The information furnished by any individual establishment under the provisions of

this Act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court. (April 2, 1924, c. 80, § 3, 43 Stat 31)

See note to § 4429, ante

§ 4432. Same; owners and officers of cotton ginneries, etc., to furnish information; refusal or neglect; penalty—It shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton ginned, consumed, or on hand, and the number of cotton-consuming spindles, and active spindle hours. The request of the Director of the Census for information concerning the quantity of cotton ginned or consumed, stocks of cotton on hand, and number of spindles and spindle hours may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $300 or more than $1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court. (April 2, 1924, c. 80, § 4, 43 Stat. 32)

See note to § 4429, ante.

§ 4433. Same; compilation of information concerning production, etc., in foreign countries—In addition to the information regarding cotton in the United States hereinbefore provided for, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States. (April 2, 1924, c. 80, § 5, 43 Stat. 32)

See note to § 4429, ante.

§ 4433a. Same; simultaneous publication of reports with cotton crop reports—The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at eleven o'clock antemeridian on the eighth day following that on which the respective reports relate. When such date of release falls on Sunday or a legal holiday the reports shall be issued at eleven o'clock antemeridian on the next succeeding workday. (April 2, 1924, c. 80, § 6, 43 Stat 32)

See note to § 4429, ante

§ 4434. Same; acts repealed—The Act of Congress authorizing the Director of the Census to collect and publish statistics of cotton, approved July 22, 1912, and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed (April 2, 1924, c. 80, § 7, 43 Stat. 32)

See note to § 4429, ante

§ 4434e. Monthly statistics of hides, skins, and leather—That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics monthly concerning—

(a) The quantities and classes of hides and skins, owned or stored, and the quantities and classes of such products disposed of during the preceding census month by packers, abattoirs, butchers, tanners, jobbers, dealers, wholesalers, importers, and exporters;

(b) The quantities and classes of hides and skins in the process of tanning or manufacture, the quantities and amount of finished product for the preceding month;

(c) The quantities and classes of leather owned or stored and manufactured during the preceding census month by tanners, jobbers dealers, wholesalers, importers, exporters, and establishments cutting or consuming leather. (June 5, 1920, c. 263, § 1, 41 Stat. 1057.)

This section, and the two sections next following, are an act entitled "An act authorizing and directing the Director of the Census to collect and publish monthly statistics concerning hides, skins, and leather," cited above.

§ 4434f. Same; information; confidential—The information furnished by any individual establishment under the provisions of this Act shall be considered as strictly confidential and shall be used only for the statistical purposes for which it is supplied. Any employé of the Bureau of Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both. (June 5, 1920, c. 263, § 2, 41 Stat. 1057)

See note to § 4434e, ante.

§ 4434g. Same; information to be furnished by owners, etc.—It shall be the duty of every owner, president, or treasurer, secretary, director, or other officer or agent of any abattoir and of any packing, tanning, jobbing, dealing, wholesaling, importing, or exporting establishment where hides and skins are stored or sold, or leather is tanned, treated, finished, or stored or any establishment is engaged in the cutting of leather or in the production of boots and shoes, gloves, saddlery, harness, or other manufactures of leather goods, wherever leather is consumed, when requested by the Director of the Census or by any special agent or other employé of the Census Office acting under the instructions of said director to furnish completely and accurately to the best of his knowledge, all the information authorized to be collected by section 1 of this Act. The demand of the Director of the Census for such information shall be made in writing or by a visiting representative and if made in writing shall be forwarded by registered mail and the registry receipt of the Post Office Department shall be accepted as prima facie evidence

of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any establishment required to furnish information under the provisions of this Act, who under the conditions hereinbefore stated shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000 (June 5, 1920, c. 263, § 3, 41 Stat 1057.)

See note to § 4434e, ante.

TITLE XXXII—THE PUBLIC LANDS

Chapter One—Surveyors and Deputy Surveyors

§§ 4435–4450.

Office of surveyor general abolished, and powers, duties, etc., of surveyors general transferred to Field Surveying Service, by Act March 3, 1925, c. 462, post, § 4450a.

§ 4450a. Office of surveyor-general abolished; activities transferred to Field Surveying Service—The office of surveyor general is hereby abolished, effective July 1, 1925, and the administration of all activities theretofore in charge of surveyors general, including the necessary personnel, all records, furniture, and other equipment, and all supplies of their respective offices, are hereby transferred to and consolidated with the Field Surveying Service, under the jurisdiction of the United States Supervisor of Surveys, who shall hereafter administer same in association with the surveying operations in his charge and under such regulations as the Secretary of the Interior may provide. (March 3, 1925, c. 462, 43 Stat. 1144.)

From the Interior Department appropriation act for the year 1926, cited above.

Chapter Two—Registers and Receivers

§ 4469a. Consolidation of offices of register and receiver; appointment of register; abolition of office of receiver; salary and powers and duties of register—The President is authorized to consolidate the offices of register and receiver in any district land office, and to appoint, by and with the advice and consent of the Senate, a register for such land office and to abolish the office of receiver of such land office upon sixty days' notice of such abolition mailed to such register and receiver whenever the total compensation for both register and receiver of such land office shall fall below the sum of $4,000 per annum, and in his opinion the interests of the service warrant such abolition

Within sixty days after the mailing of such notice the office of receiver of such land office shall cease to exist, and all the powers, duties, obligations, and penalties imposed by law upon both register and receiver of such office shall be exercised by and imposed upon the register so appointed, who shall be paid a salary of $500 per annum, together with the fees and commissions otherwise allowable to both register and receiver: Provided, That the salary, fees, and commissions of such register shall not exceed $3,000 per annum. (Oct. 28, 1921, c. 114, § 1, 42 Stat 208.)

This section, and the section next following, are an act entitled "An act for the consolidation of the offices of register and receiver in district land offices in certain cases, and for other purposes," cited above

Other acts relating to the consolidation of land offices and the offices of register and receiver are as follows

Act July 19, 1919, c 24, § 1, 41 Stat 194, which reads as follows

"The President is authorized to consolidate the offices of register and receiver at Juneau, Alaska, and to appoint, by and with the advice and consent of the Senate, a register for said office All the powers, duties, obligations, and penalties imposed by law upon both the register and receiver of said office shall be exercised by and imposed upon the register, whose compensation shall be a salary of $3,000 per annum, and all fees and commissions collected by said register, when earned, shall be paid into the Treasury without abatement or deduction."

Act June 5, 1920, c 235, § 1, 41 Stat. 907, which reads as follows

"That the President is authorized to consolidate the offices of register and receiver at Broken Bow, Nebraska, and to appoint, by and with the advice and consent of the Senate, a register for said office All the powers, duties, obligations and penalties imposed by law upon both the register and receiver of said office shall be exercised by and imposed upon the register, whose compensation shall be a salary of $500 per annum, together with the fees and commissions otherwise allowable to both register and receiver, but the salary, fees and commissions of such register shall not exceed $3,000 per annum"

Act March 4, 1921, c 161, § 1, 41 Stat. 1397, which reads as follows:

"The President is authorized to consolidate the offices of registers and receivers at Alliance, Nebraska, and at Vancouver and Seattle, Washington, and by Executive order to require either officer, upon resignation of the other, to give an additional bond and to perform the duties of both offices All the powers, duties, obligations, and penalties imposed by law upon both the register and receiver of said office shall be exercised by and imposed upon the officer remaining in control, whose compensation shall be a salary of $500 per annum, together with the fees and commissions otherwise allowable to both register and receiver, but the salary fees, and commissions of such officer shall not exceed $3,000 per annum"

Act May 24, 1922, c 199, 42 Stat 557, which reads as follows

"The offices of registers and receivers at the following land offices are hereby consolidated, and the applicable provisions of the Act approved October 28, 1921, shall be followed in effecting such consolidations. Montgomery, Alabama, El Centro, and Susanville, California, Durango, Lamar, and Montrose, Colorado, Cœur d'Alene and Lewiston, Idaho, Topeka, Kansas, Baton Rouge, Louisiana, Cass Lake, Crookston, and Duluth, Minnesota, Jackson, Mississippi, Billings, Great Falls, Kalispel, and Missoula, Montana, Lincoln, Nebraska, Elko, Nevada, Bismarck, North Dakota, Pierre, South Dakota, Vernal, Utah, Walla Walla, and Yakima, Washington Provided further, That, with the exception of the land offices mentioned in the last preceding proviso, and also the land offices at Eureka, California, Vancouver, Spokane, and Seattle, Washington, and Burns, Oregon, and where the land office shall be the only remaining land office in any State, no money herein appropriated shall be expended for the maintenance of any land office, other than as is provided in this paragraph, in a land district having public land area of less than one hundred thousand acres, or whose cost of maintenance shall exceed 33⅓ per centum of the revenues of the office for the fiscal year ending June 30, 1921."

Act Jan. 24, 1923, c. 42, 42 Stat 1179, which reads as follows

"The offices of registers and receivers at the following land offices are hereby consolidated, and the applicable provisions of the Act approved October 28, 1921, shall be followed in effecting such consolidations Leadville, Colorado, Gainesville, Florida; Guthrie, Oklahoma, Lake View, Oregon; and Waterville, Washington.

Act June 5, 1924, c. 264, 43 Stat. 395, which reads as follows

"The offices of register and receivers at the following land offices shall be consolidated on June 1, 1925, and the applicable provisions of the Act approved October 28, 1921, shall be followed in effecting such consolidations. Little Rock and Harrison, Arkansas; Eureka and Sacramento, California; Denver, Colorado, Hailey, and Blackfoot Idaho; Bozeman, Montana; Las Cruces, Roswell, Clayton, and Fort Sumner, New Mexico; Burns, La Grande, and Vale, Oregon; and Rapid City, South Dakota: Provided further, That where a vacancy shall occur in the offices of register or receiver in said land offices prior to June 1, 1925, consolidation shall be effective as of the date of such vacancy

Act June 30, 1922, c. 255, § 1, 42 Stat. 766, which reads as follows:

"The land offices now located, respectively, at Bellefourche in the State of South Dakota, Watertville in the State of Washington, Dickinson in the State of North Dakota, Del Norte and Sterling in the State of Colorado, Clayton and Fort Sumner in the State of New Mexico, Harrison and Camden in the State of Arkansas, and Alliance in the State of Nebraska, are hereby continued for and during

the fiscal year commencing July 1, 1922, and thereafter, in the discretion of the President as long as the public business at such offices shall warrant Provided, however, That the President may consolidate the offices of register and receiver in any of said offices whenever he may deem it in the public interest

"2 Such appropriations as are sufficient to maintain said offices are hereby authorized to be made from time to time as conditions may require"

§ 4469b. Same; designation of chief clerk to act in case of death, resignation, removal, or disability of register—In case of a vacancy in the office of register by reason of death, resignation, or removal, or in case of inability to act, the Secretary of the Interior may designate for the period of such vacancy or inability to act the chief clerk of such office, or any other qualified employee of the Department of the Interior to act as register, subject to the filing of such bond or bonds as the Secretary of the Interior may prescribe, and the same authority is conferred upon the person so designated which such register lawfully possesses except that no contest or protest shall be decided or disposed of by such clerk or employee, but all such decisions shall be deferred until the appointment or return of the register. (Oct 28, 1921, c 114, § 2, 42 Stat 208)

See note to § 4469a, ante

§ 4469bb. Offices of register and receiver in certain land offices abolished—The offices of register and receiver of such land offices as may now have two officials shall be consolidated, effective July 1, 1925, and the applicable provisions of the Act approved October 28, 1921, shall be followed in effecting such consolidations (March 3, 1925, c 462, 43 Stat. 1145.)

From the Interior Department appropriation act for the year 1926, cited above

§ 4472.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c 462, 43 Stat 1145, contains the following provision "Registers For salaries and commissions of registers of district land offices, at not exceeding $3,000 per annum each, $175,000" * *

§ 4475a. Fees for depositions—Hearings in land entries. For hearings or other proceedings held by order of the Commissioner of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with law, and of hearings in disbarment proceedings, * *: Provided, That where depositions are taken for use in such hearings the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party on request. (May 24, 1922, c. 199, 42 Stat 558 Jan. 24, 1923, c. 42, 42 Stat 1179 June 5, 1924, c. 264, 43 Stat. 395. March 3, 1925, c. 462, 43 Stat 1145.)

From the Interior Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 4480a. Expenses incurred—No expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office * * (May 24, 1922, c. 199, 42 Stat 557 Jan. 24, 1923, c. 42, 42 Stat. 1179. June 5, 1924, c. 264, 43 Stat. 395. March 3, 1925, c. 462, 43 Stat. 1145)

From the Interior Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 4491. Repayment of purchase moneys paid under applications rejected—Where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application: Provided, That such person or his legal representatives shall file a request for the repayment of such purchase moneys and commissions within two years from the rejection of such application, entry, or proof, or within two years from the passage of this Act as to such applications, proofs, or entries, as have been heretofore rejected (March 26, 1908, c 102, § 1, 35 Stat 48, amended, Dec 11, 1919, c 5, 41 Stat. 366)

For this section prior to the amendment by Act Dec 11, 1919, c 5, see U S Comp St 1918, § 4491

§ 4492. Repayment of excess payments—In all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives Provided, That such person or his legal representatives shall file a request for the repayment of such excess within two years after the patent has issued for the land embraced in such payment, or within two years from the passage of this Act as to such excess payments as have heretofore been made (March 26, 1908, c 102, § 2, 35 Stat. 48, amended, Dec. 11, 1919, c. 5, 41 Stat. 366)

For this section prior to the amendment by Act Dec 11, 1919, c. 5, see U S. Comp St. 1918, § 4492

§ 4493. Certification of amount of excess moneys and repayment—When the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof. (March 26, 1908, c. 102, § 3, 35 Stat. 48, amended, Dec 11, 1919, c. 5, 41 Stat 366)

For this section prior to the amendment by Act Dec 11, 1919, c 5, see U S Comp St 1918, § 4493.

§ 4493a. Rules and regulations—The Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. (March 26, 1908, c. 102, § 4, added, Dec 11, 1919, c 5, 41 Stat. 367.)

This section was added to Act March 26, 1908, c. 102, by Act Dec. 11, 1919, c. 5, cited above.

Chapter Three—Land-Districts—Provisions Respecting Particular Districts

PROVISIONS RESPECTING PARTICULAR DISTRICTS

§ 4515bb. Land office at Springfield, Mo., abolished—The land office at Springfield, Missouri, and the offices of register and receiver thereat are hereby abolished. (May 24, 1922, c. 199, 42 Stat. 557)

From the Interior Department appropriation act for the year 1923, cited above

§ 4522a. Clerks in Alaska; compensation—The clerks employed hereunder in Alaska may be paid a

compensation not to exceed $2,220 per annum. (June 5, 1920, c 235, § 1, 41 Stat 908)

This section is a provision accompanying an appropriation for clerks in district land offices in the sundry civil appropriation act for the fiscal year 1921, cited above.

Chapter Three A—Withdrawal from Settlement, Location, Sale, or Entry

§ 4525a. Sale of lands withdrawn; notice of—Whenever in the opinion of the Secretary of the Interior any lands which have been withdrawn under the provisions of the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes at Large, page 847), as amended by the Act of Congress approved August 24, 1912 (Thirty-seventh Statutes at Large, page 497), for the purpose of exploratory drilling to discover water supplies for irrigation or other purposes, and which have had wells or other permanent improvements placed thereon by and at the expense of the United States are no longer needed for the purpose for which they were withdrawn and improved, the Secretary of the Interior may appraise the lands, together with the improvements thereon, and thereafter sell the same to a citizen of the United States for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land. (Jan. 26, 1921, c. 27, § 1, 41 Stat 1089.)

This section, and the two sections next following, are an act entitled "An Act to provide for the disposition of certain public lands withdrawn and improved under the provisions of the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes at Large, page 847) as amended by the Act of August 24, 1912 (Thirty-seventh Statutes at Large, page 497), and which are no longer needed," cited above

§ 4525b. Same; patents to purchasers—Upon payment of the purchase price the Secretary of the Interior is authorized by appropriate patent to convey all the right, title, and interest in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper. Provided, That not over one hundred and sixty acres shall be sold to any one person. Provided further, That any patent issued hereunder shall contain a reservation to the United States of all oil, gas, coal, and other mineral. (Jan. 26, 1921, c. 27, § 2, 41 Stat. 1089.)

See note to § 4525a, ante

§ 4525c. Same; disposition of proceeds—The moneys derived from the sale of such lands and improvements be disposed of as are other receipts from the sale and disposal of public lands (Jan. 26, 1921, c. 27, § 3, 41 Stat. 1090.)

See note to § 4525a, ante.

§ 4525d. Entries on land withdrawn as valuable for oil or gas validated—Existing entries allowed prior to April 1, 1924, under the Stock-Raising Homestead Act of December 29, 1916 (Thirty-ninth Statutes at Large, page 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn are hereby validated, if otherwise regular. Provided, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field. (Feb. 7, 1925, c. 147, § 12, 43 Stat. 812)

This section is § 12 of an act entitled "An act validating certain applications for, and entries of public lands, and for other purposes," cited above.

§ 4529b. Withdrawals of land except by act of Congress prohibited—Hereafter no public lands of the United States shall be withdrawn by Executive Order, proclamation, or otherwise, for or as an Indian reservation except by act of Congress. (June 30, 1919, c. 4, § 27, 41 Stat. 34)

This section is § 27 of the Indian appropriation act for the year 1920, cited above

Chapter Five—Homesteads

§ 4530a. Preference right of discharged soldiers, sailors, and marines—Hereafter, for the period of ten years following the passage of this Act, on the opening of public or Indian lands to entry, or the restoration to entry of public lands heretofore withdrawn from entry, such opening or restoration shall, in the order thereof, provide for a period of not less than ninety days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Provided, That the rights and benefits conferred by this Act shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act, shall have refused to render such service or to wear the uniform of such service of the United States. (Feb. 14, 1920, c. 76, § 1, 41 Stat. 434, amended, Jan. 21, 1922, c. 32, § 1, 42 Stat. 358.)

This section was amended by Res Jan. 21, 1922, c 32, § 1, 42 Stat 358, cited above, by changing the word "two" to "ten," and the word "sixty" to "ninety"

§ 4530b. Same; rules and regulations—The Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof. (Jan 21, 1922, c. 32, § 2, 42 Stat. 358.)

This is section 2 of a resolution entitled a "Joint Resolution to amend a joint resolution entitled 'Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry,' approved February 14, 1920," cited above. Section 1 of said resolution amends § 4530a, ante. This section is identical with § 2 of Res Feb. 14, 1920, c. 76, 41 Stat. 435.

§ 4532a. Leaves of absence; proof on commutation—The entryman mentioned in section twenty-two hundred and ninety-one of Revised Statutes of the United States, as amended by the Act of June sixth, nineteen hundred and twelve, Thirty-seventh Statutes, one hundred and twenty-three, upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods, not exceeding in the aggregate five months in each year after establishing residence: Provided, That the register and receiver of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year; proof to be made within five years after entry; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation the fourteen months' actual residence, as now required by law, must be shown, and the person commuting be at the

time a citizen of the United States. (Aug 22, 1914, c. 270, 38 Stat 704, amended, Feb 25, 1919, c 21, 40 Stat 1153)

This section was amended by Act Feb 25, 1919, c 21, cited above, to read as set forth above This amendment consisted in inserting, after the words "in each year after establishing residence," the proviso beginning "Provided, that the register and receiver of the local land office," etc, down to and including the words "to be made within five years after entry"

§ 4532d. Leaves of absence; period of drought—Any homestead settler or entryman who, during the calendar year 1919, finds it necessary to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, and work stock, because of great and serious drought conditions, causing total or partial failures of crops, may, upon filing with the register and receiver proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar year 1919, or the current year of such homestead which may fall principally in the year 1919, and in the making of final proof upon such an entry absence granted under this Act shall be counted and construed as constructive residence by said homesteader. (July 24, 1919, c. 26, 41 Stat 271.)

From the agricultural appropriation act for the year 1920, cited above.

§ 4532e. Same; persons undergoing vocational rehabilitation—Every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the Vocational Rehabilitation Act approved June 27, 1918, upon the ground that he comes within article III of the Act of October 6, 1917, fortieth volume, Statutes at Large, page 398, and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board of Vocational Education, and such absence, while actually engaged in such training shall be counted as constructive residence. Provided, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year. (Sept. 29, 1919, c. 64, 41 Stat 288)

This is an act entitled "An act to authorize absence by homestead settlers and entrymen, and for other purposes," cited above.

Act June 27, 1918, c. 107, mentioned in this section, is the Soldiers' and Sailors' Vocational Rehabilitation Act. See notes to Title XVIB, ante.

For disposition of Act Oct. 6, 1917, c 105, article III, also mentioned in this section, see ante, notes at the beginning of Title VII, Chapter Eleven B.

§ 4532ee. Same; persons receiving medical treatment for wounds or disability, received or incurred while in military or naval service—That the provisions of the Act of September 29, 1919 (Forty-first Statutes, page 288), entitled "An Act to authorize absence by homestead settlers and entrymen, and for other purposes," be, and they are hereby, extended to those who, after discharge from the military or naval service of the United States, are furnished treatment by the Government for wounds received or disability incurred in line of duty. (April 6, 1922, c. 122, § 2, 42 Stat. 491.)

This is section 2 of an act entitled "An act to extend the provisions of section 2005, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty," cited above

§ 4532f. Final proof without further residence, improvement, or cultivation by disabled soldiers, etc.—Any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert land entryman whose entry is subject to the provisions of the Act of June 17, 1902 (Thirty-second Statutes, page 388), who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the Act or Acts under which such settlement or entry was made: Provided, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by the Act of August 13, 1914 (Thirty-eighth Statutes, page 686): And provided further, That this Act shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase moneys, water charges, or other sums due to the United States, or its successors in control of the reclamation project, in connection with such lands. (March 1, 1921, c. 102, § 1, 41 Stat. 1202, amended, April 7, 1922, c 125, 42 Stat 492)

This section was amended by Act April 7, 1922, c 125, 42 Stat 492, cited above, to read as set forth above. Prior to this amendment this section read as follows: "Any settler or entryman under the homestead laws of the United States, who, after settlement, application, or entry and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to return to the land, may make proof, without further residence, improvement, or cultivation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon Provided, That no such patent shall issue prior to the survey of the land"

For section 2 of Act March 1, 1921, c. 102, as added by Act Dec 15, 1921, c. 3, see post, § 4584g.

§ 4538a. Marriage of entryman to entrywoman—The marriage of a homestead entryman to a homestead entrywoman after each shall have fulfilled the requirements of the homestead law for one year next preceding such marriage shall not impair the right of either to a patent, but the husband shall elect, under rules and regulations prescribed by the Secretary of the Interior, on which of the two entries the home shall thereafter be made, and residence thereon by the husband and wife shall constitute a compliance with the residence requirements upon each entry. Provided, That the provisions hereof shall apply to existing entries: Provided, further, That in the administration of this Act the terms "entryman" and "entrywoman" shall be construed to include bona fide settlers who have complied with the homestead law for at least one year next preceding such marriage (April 6, 1914, c 51, 38 Stat. 312, amended, March 1, 1921, c 90, 41 Stat. 1193.)

This section was amended by Act March 1, 1921, c. 90, cited above, by adding thereto the last proviso, as set forth above

§ 4546. Officers before whom affidavits or proofs may be made; perjury; fees—Hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone Acts, may in addition to those now authorized to take such affidavits, proofs, and oaths be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the

judge or clerk of any court of record in the county, parish, or land district in which the lands are situated Provided, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: Provided further, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located, the applicant must show by affidavit, satisfactory to the Commissioner of the General Land Office, that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath, when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law That if any witness making such proof, or any applicant making such affidavit or oath, shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs, when made before any other officer than the register and receiver shall be as follows.

For each affidavit, 25 cents

For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

For each deposition of claimant or witness prepared by the officer, $1.

Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100 (R. S. § 2294, amended, May 26, 1890, c. 355, 26 Stat. 121, March 11, 1902, c. 182, 32 Stat. 63, March 4, 1904, c. 394, 33 Stat. 59, and Feb. 23, 1923, c. 105, 42 Stat. 1281.)

For this section prior to its amendment by Act Feb. 23, 1923, c. 105, see U. S. Comp. St. 1918, § 4546.

§ 4551a. Revised Statutes, § 2296, applicable to all entries under homestead laws—The provisions of section 2296 of the United States Revised Statutes have been and are applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof. (April 28, 1922, c. 155, 42 Stat. 502.)

This section is a resolution entitled a "Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof," cited above

§ 4560.

Act March 4, 1921, c. 162, 41 Stat 1433, entitled "An act validating certain homestead entries," reads as follows:

"Section 1. All pending homestead entries made in good faith prior to January 1, 1916, under the provisions of the enlarged homestead laws, and all rights to enter land under said laws, based on settlement made thereon in good faith before said date, and while the land was unsurveyed, by persons who, before making such enlarged homestead entry, had acquired title to land under the homestead laws, and therefore were not qualified to make an enlarged homestead entry, or such settlement, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than one hundred and sixty acres of land, Provided, That no settlement claim shall be validated hereby where adverse claim for the land has been initiated before the passage of this Act

"Sec. 2 That no homestead entry heretofore made under the provisions of section 2 of the Act of Congress entitled 'An Act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes,' approved June 5, 1900, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an Act entitled 'An Act relating to the public lands of the United States,' approved June 15, 1880 (Twenty-first Statutes, page 237) And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said Act of June 15, 1880, is not entitled to the benefits of the Act of June 5, 1900, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this Act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the Act of June 15, 1880, in all cases where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation

"Sec 3 That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed

"Homestead entry, Havre, Montana, numbered naught twenty-one thousand three hundred and ninety, made by Michael F Campion on December 10, 1913, for the southwest quarter of the northwest quarter and northwest quarter of the southwest quarter of section seventeen, and southeast quarter of the northeast quarter and northeast quarter of the southeast quarter of section eighteen, township twenty-nine north, range nine east, Montana meridian.

"Homestead entry, Havre, Montana, numbered naught twenty-four thousand two hundred and fourteen, made by Lila J. Herbert (formerly Simmons) on December 31, 1913, for the northeast quarter of the northeast quarter of section twenty-nine and north half of the northwest quarter and southeast quarter of the northwest quarter of section twenty-eight, township thirty-seven north, range four east, Montana meridian

"Homestead entry, Las Cruces, New Mexico, numbered naught eight thousand one hundred and seventy-one, made by Pearl B. Brazil on March 13, 1913, for the northeast quarter of section eight, township twenty-nine south, range eight west, New Mexico Meridian.

"Homestead entry, Miles City, Montana, numbered naught eighteen thousand four hundred and fifty-two, made by Edgar J Snyder on May 14, 1913, under the Act of February 19, 1909 (Thirty-fifth Statutes at Large, page 639), for the south half of the south half, northeast quarter of the southeast quarter, east half of the northeast quarter, and northwest quarter of the northeast quarter of section twenty-two, township fourteen north, range fifty-eight east, Montana meridian

"Homestead entries, Clayton, New Mexico, numbered naught twenty thousand six hundred and sixty-nine and naught twenty-six thousand seven hundred and ninety-five, made by Cole Weir, for the south half of the northeast quarter of section ten and southwest quarter of the northwest quarter and northwest quarter of the southwest quarter of section eleven, township seventeen north, range thirty east, and the southeast quarter of the southeast quarter of section three and northeast quarter of the northeast quarter of section ten, township seventeen north, range thirty east, New Mexico principal meridian.

"Homestead entry, Havre, Montana, numbered naught twenty-four thousand eight hundred and thirty-two, made by Elma Hixon Benton on February 24, 1911, under the Act of February 19, 1909 (Thirty-fifth Statutes at Large, page 639), for the south half of section thirty-one, township thirty-five north, range twenty-two east, Montana principal meridian

"Sec. 4. That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the laws under which such entries were allowed:

"Homestead entry, Salt Lake City, Utah, numbered naught twenty-three thousand three hundred and twenty-nine, made by Parley P Warren on August 1, 1918, for the west half of the southeast quarter of section one, and west half of the northeast quarter of section twelve, township fourteen south, range ten east, Salt Lake meridian, subject to the provisions of the Act of June 17, 1902 (Thirty-second Statutes at Large, page 388), and Acts amendatory thereof and supplemental thereto.

"Homestead entry, Carson City, Nevada, numbered naught ten thousand nine hundred and nine, made by Perrin D. Hinckley on December 12, 1918, for the northeast quarter of section thirty-three, township forty-three north, range thirty-seven east, Mount Diablo meridian

"Homestead entry, Douglas, Wyoming, numbered naught sixteen thousand four hundred and forty-three, made by William H. Struble on March 29, 1918, under the Act of February 19, 1909 (Thirty-fifth Statutes at Large, page 639), for the east half of the southeast quarter of section eighteen, west half of the southwest quarter and southeast quarter of the southwest quarter of section seventeen, north half of the northwest quarter and southeast quarter of the northwest quarter of section twenty, township thirty-nine north, range sixty west, sixth principal meridian

"Sec. 5. That the Secretary of the Interior be, and he is hereby, authorized to allow the following applications to make entry.

"Homestead application, Phoenix, Arizona, numbered naught thirty-five thousand eight hundred and twenty-five, filed by Kit Carson Kirby for the north half of the northeast quarter of section thirteen and the south half of

the southeast quarter of section twelve, township twenty-two north, range four east, Gila and Salt River meridian.

"Additional homestead application, Timber Lake, South Dakota, numbered naught nine thousand five hundred and forty-six, filed by Willis A Simmons for the southeast quarter of section thirty-four, township sixteen north, range eighteen east, Black Hills meridian

"Homestead application of Hugh H Gunn, being Rapid City series naught thirty-nine thousand three hundred and sixty-three, for the southeast quarter northwest quarter, east half southwest quarter, southwest quarter southwest quarter, section thirteen, east half northeast quarter, section twenty-three, west half northwest quarter, section twenty-four, township three south, range nine east, Black Hills meridian, subject to applicant's compliance with the provisions of the Enlarged Homestead Act as to residence, cultivation, and improvements

"Sec 6. That the Secretary of the Interior be, and hereby is, authorized to issue a patent to the Yosemite Stone Company, a corporation organized under the laws of Arizona, for the northeast quarter of the southwest quarter of section thirteen, township four south, range fifteen east, Mount Diablo meridian, Sacramento, California, land district Provided, That such patent shall contain a reservation to the United States and its authorized permittees, licensees, or lessees of the sole right to enter upon, occupy, and use any part or all of such land reasonably necessary for the accomplishment of all purposes connected with the development, generation, transmission, or utilization of hydroelectric power or energy

"Sec 7 That the Secretary of the Interior is hereby authorized and directed to certify to the Secretary of the Treasury the amounts paid as fees, commissions, and purchase moneys by the persons hereinafter named, in connection with homestead entries at the United States land office at Glasgow, Montana, in the year 1917, as follows

"Serial number naught forty-four thousand four hundred and twenty-seven, Nick Sitch, west half southeast quarter, section twenty-seven, and west half of northeast quarter, section thirty-four, township twenty-nine north, range forty-one east.

"Serial number naught forty-four thousand five hundred and twenty-one, Billie H. Evashanks, south half southeast quarter, northwest quarter, southeast quarter, section thirty-four, township twenty-nine north, range forty-one east, and west half east half, northeast quarter southwest quarter, section one, township twenty-eight north, range forty-one east.

"That upon receipt of the certificate from the Secretary of the Interior as provided in section 1 of this Act the Secretary of the Treasury is hereby authorized and directed to make payment of the amounts so certified out of any moneys not otherwise appropriated, and issue his warrant in settlement thereof."

§ 4575a. Additional entries by homestead entrymen in lands in national forests—Any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Enlarged Homestead Act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed three hundred and twenty acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said Act. For the purposes of this Act the Secretary of the Interior is authorized to designate as subject to the Enlarged Homestead Act, lands embraced, at the time of such designation, within valid subsisting entries within national forests. (March 4, 1923, c. 245, § 1, 42 Stat. 1445)

This section is § 1 of an act entitled "An act for the relief of certain homestead entrymen," cited above

§ 4587b. Stock-raising homestead entries; designation of lands; applications—The Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this Act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that six hundred and forty acres are reasonably required for the support of a family. Provided, That where any person qualified to make original or additional entry under the provisions of this Act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that land applied for is of the character contemplated by this Act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of, and if the said land shall be designated under this Act, then such application shall be allowed, otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands, unless the applicant actually establishes his residence and resides on the land, and until final action on such application, the settler may, if the land be not designated under this Act, change his application to one under the enlarged homestead law if such lands be designated thereunder, or to one under the ordinary provisions of the homestead law Provided, That if the settler shall change his application he shall embrace therein the lands upon which his residence and principal improvements are located, and conform to the provisions, limitations, and conditions of the applicable law. (Dec 29, 1916, c 9, § 2, 39 Stat. 862, amended, June 6, 1924, c 274, 43 Stat 469)

For this section prior to its amendment by Act June 6, 1924, c 274, see U S Comp St 1918, § 4587b.

§ 4587c. Stock-raising homestead entries; persons entitled to; effect of entries under § 2—Any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding six hundred and forty acres, and in compact form so far as may be subject to the provisions of this Act, and secure title thereto by compliance with the terms of the homestead laws: Provided, That a former homestead entry of land of the character described in section two hereof shall not be a bar to the entry of a tract within a radius of twenty miles from such former entry under the provisions of this Act, which, together with the former entry, shall not exceed six hundred and forty acres, subject to the requirements of law as to residence and improvements, except that no residence shall be required on such additional entry if the entryman owns and is residing on his former entry: Provided further, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: And provided further, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes of the value of not less than $1 25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof. (Dec. 29, 1916, c. 9, § 3, 39 Stat. 863, amended, Oct. 25, 1918, c. 195, 40 Stat. 1016.)

This section was amended by Act Oct 25, 1918, c. 195, cited above, by changing, in the first proviso, the position

of the words "which together with the former entry, shall not exceed six hundred and forty acres," so that they follow immediately after the words "under the provisions of this Act," instead of after the words "residence and improvements," and by inserting in said proviso the words "except that no residence shall be required," etc, to the end of the proviso

§ 4587d. Stock-raising homestead entries; additional entries; amount—Any homestead entryman of lands of the character herein described who has not submitted final proof upon his existing entry shall have the right to enter, subject to the provisions of this Act, such amount of lands designated for entry under the provisions of this Act, within a radius of twenty miles from said existing entry, as shall not, together with the amount embraced in his original entry, exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof: Provided, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land (Dec 29, 1916, c. 9, § 4, 39 Stat. 863, amended, Sept. 29, 1919, c. 63, 41 Stat. 287.)

This section, and the section next following, were amended by Act Sept 29, 1919, c 63, cited above, to read as set forth here For these sections prior to this amendment see U. S Comp. St 1918, §§ 4587d, 4587e.

§ 4587e. Same; additional entries—Persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this Act, make additional entry for and obtain patent to lands designated for entry under the provisions of this Act, within a radius of twenty miles from the lands theretofore acquired under the homestead laws, which, together with the area theretofore acquired under the homestead laws, shall not exceed six hundred and forty acres, on proof of the expenditure required by this Act on account of permanent improvements upon the additional entry: Provided, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land. (Dec 29, 1916, c. 9, § 5, 39 Stat. 863, amended, Sept. 29, 1919, c 63, 41 Stat. 287.)

See note to § 4587d, ante.

§ 4587f. Stock-raising homestead entries; additional entries by entrymen on lands in national forests—Any homestead entryman of one hundred and sixty acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the Stock Raising Homestead Act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said Stock Raising Homestead Act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of twenty miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed six hundred and forty acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof. For the purposes of this Act the Secretary of the Interior is authorized to designate under the Stock Raising Homestead Act lands embraced, at the time of such designation, within valid subsisting entries within national forests (March 4, 1923, c 245, § 2, 42 Stat 1445.)

This section is § 2 of an act entitled "An act for the relief of certain homestead entrymen," cited above

§ 4588a. Rights of minors to privileges of homestead, other land and mineral entry laws—Any person, under the age of twenty-one, who has served or shall hereafter serve in the Army of the United States during the present emergency, shall be entitled to the same rights under the homestead and other land and mineral entry laws, general or special, as those over twenty-one years of age now possess under said laws: Provided, That any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service Provided, further, That applications for entry may be verified before any officer in the United States, or any foreign country, authorized to administer oaths by the laws of the State or Territory in which the land may be situated. (Aug 31, 1918, c. 166, § 8, 40 Stat 957.)

This section is § 8 of an act entitled "An act amending the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above See notes to §§ 2044a-2044q, ante

§ 4588b. Relinquishment of entries under Act Aug. 31, 1918, c. 166, § 8—No relinquishment of any public land entry made under and by authority of section eight of the Act of Sixty-fifth Congress, second session, entitled "An act amending the Act entitled 'An Act to authorize the President to increase temporarily the Military Establishment of the United States,'" approved May eighteenth, nineteen hundred and seventeen, shall be valid or effective for any purpose unless executed after the entryman shall have actually resided upon and cultivated the land, in the case of a homestead entry, for at least six months, and in the case of an entry made under other than the homestead laws, after the entryman shall have complied with the provisions of the applicable law for at least one year

Any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry prior to the completion of compliance with the applicable law and with this resolution, and who or which solicits, demands, or receives or accepts any fee or compensation for locating, filing, or securing the claims or entries for persons entitled to the benefits of said section shall, upon conviction, be fined not to exceed $1,000 or imprisoned for not exceeding two years, or both (Sept. 13, 1918, c. 173, 40 Stat. 960.)

This section is a resolution entitled a "Joint Resolution amending section eight of the amendment to the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May eighteenth, nineteen hundred and seventeen," cited above

The act referred to in this section is Act Aug. 31, 1918, c. 166, § 8, ante, § 4588a.

§ 4591a. Rights of former entrants on ceded Indian reservations—From and after the passage of this Act any person who has heretofore entered, under the homestead laws, and paid a price equivalent to or greater than $2.50 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: Provided, That the provisions of this Act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud. (Feb. 25, 1925, c 326, 43 Stat. 981.)

This section is an act entitled "An act to restore homestead rights in certain cases," cited above. It supersedes a similar provision of Act Feb. 20, 1917, c. 101, 39 Stat. 926.

§ 4593a. Application of R. S. §§ 2304, 2305, to military and naval service on Mexican border or in war with Germany—Subject to the conditions therein expressed, as to length of service and honorable discharge, the provisions of sections twenty-three hundred and four and twenty-three hundred and five, Revised Statutes of the United States, shall be applicable in all cases of military and naval service rendered in connection with the Mexican border operations or during the war with Germany and its allies as defined by public resolution numbered thirty-two, approved August twenty-ninth, nineteen hundred and sixteen (thirty-ninth Statutes at Large, page six hundred and seventy-one), and the Act approved July twenty-eighth, nineteen hundred and seventeen (Fortieth Statutes at Large, page two hundred and forty-eight). (Feb 25. 1919, c. 37, 40 Stat 1161)

This section is an act entitled "An Act to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States who have served or will have served with the Mexican border operations or during the war between the United States and Germany and her allies," cited above.

For R. S. §§ 2304, 2305, referred to in this section, see U S Comp St 1918, §§ 4592, 4793

For Res Aug 29, 1916, c 420 and Act July 28, 1917, c 44, also referred to in this section, see U. S Comp St. 1918, §§ 4604a, 4602a, 4604b

§ 4593a(1). Credit for husband's military service in case of homestead entries by widows of officers, soldiers, etc., serving with Mexican border operations or during war with Germany; patents to minor children on death of homestead entrymen—In the case of the death of any person who would be entitled to a homestead under the provisions of the Act of Congress approved February 25, 1919 (Fortieth Statutes at Large, page 1161), entitled "An Act to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States, who have served or will have served with the Mexican border operations or during the war between the United States and Germany and her allies," his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said Act subject to the provisions and requirements as to settlement, residence, and improvement therein contained: Provided, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law. (Sept. 21, 1922, c. 357, 42 Stat. 990)

This section is an act entitled "An act to allow credit for husband's military service in case of homestead entries by widows, and for other purposes," cited above

§ 4593aa. Revised Statutes, § 2305, applicable to wounded or disabled soldiers, etc.—The provisions of section 2305, Revised Statutes of the United States, as amended by the Act of February 25, 1919 (Fortieth Statutes, page 1161), so far as applicable to those discharged from the military or naval service because of wounds received or disability incurred therein, be, and the same are hereby, extended to those regularly discharged from such service and subsequently awarded compensation by the Government for wounds received or disability incurred in the line of duty. (April 6, 1922, c. 122, § 1, 42 Stat. 491.)

§ 4593aaa. Sections 4530a, 4593a, applicable to citizens who served with allied armies during World War upon resumption of citizenship—The provisions of the Act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least sixty days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the Act and resolution herein referred to. (Dec. 28, 1922, c. 19, 42 Stat. 1067.)

This section is a resolution entitled a "Joint Resolution extending the provisions of the Act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution Numbered 29, approved February 14, 1920, allowing a preferred right of entry for at least sixty days after the date of opening in connection with lands opened or restored to entry, to citizens of the United States who served with the allied armies during the World War"

§ 4612a. Unreserved public lands in Columbia or Moses Reserve subject to acquisition under certain land laws—That from and after the passage of this Act all unreserved public lands within the former Columbia or Moses Reserve in the State of Washington, made subject to acquisition under the homestead laws by the Act of Congress approved July 4, 1884 (Twenty-third Statutes, page 76), be, and they are hereby, made subject to acquisition under the Isolated Tract (Act of March 28, 1912), Desert Land (Act of March 3, 1877), and other Acts applicable generally to the public domain. (June 3, 1924, c. 240, 43 Stat. 357.)

This section is an act entitled "An act to authorize acquisition of unreserved public lands in the Columbia or Moses Reservation, State of Washington, under Acts of March 28, 1912, and March 3, 1877, and for other purposes," cited above.

Chapter Six—Mineral Lands and Mining Resources

§ 4620. Regulations by miners—The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such

failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures Provided, That the period within which the work required to be done annually on all unpatented mineral claims located since May 10, 1872, including such claims in the Territory of Alaska, shall commence at 12 o'clock meridian on the 1st day of July succeeding the date of location of such claim Provided further, That on all such valid existing claims the annual period ending December 31, 1921, shall continue to 12 o'clock meridian July 1, 1922 (R. S § 2324, amended, Jan 22, 1880, c. 9, § 2, 21 Stat 61, and Aug. 24, 1921, c. 84, 42 Stat. 186.)

This section was again amended by Act Aug 24, 1921, c. 84, cited above, by changing the provisos, so as to make them read as set forth above For this section prior to this amendment see U S. Comp. St. 1918, § 4620

§ 4620c. Regulations by miners; Res. Oct. 5, 1917, c. 75, amended—That the provisions of Senate joint resolution, approved October fifth, nineteen hundred and seventeen, be amended so as to provide that the time for filing notices to hold said mining claims in the Territory of Alaska, under the said resolution, be, and the same is hereby, extended to the first day of April, nineteen hundred and nineteen. (Jan. 25, 1919, c. 12, 40 Stat. 1055.)

This section is a resolution entitled a "Joint Resolution to amend Senate joint resolution numbered seventy-eight, approved October fifth, nineteen hundred and seventeen, entitled 'Joint resolution to suspend requirements of the annual assessment work on mining claims during the years nineteen hundred and seventeen and nineteen hundred and eighteen,'" cited above.

For Res. Oct. 5, 1917, c. 75, mentioned in this section, see U S. Comp St. 1918, § 4620b.

§ 4620d. Same; Res. July 17, 1917, c. 39, and Res. Oct. 5, 1917, c. 75, extended to Alaska; assessment work laws suspended—That the provisions of public resolution numbered ten, Sixty-fifth Congress, approved July seventeenth, nineteen hundred and seventeen, and the provisions of public resolution numbered twelve, sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen, and amendments thereto, be, and they are hereby, extended to the Territory of Alaska. The laws requiring assessment work to be made upon mining claims in the Territory of Alaska for the years nineteen hundred and seventeen, nineteen hundred and eighteen, and nineteen hundred and nineteen, are hereby suspended for such period; and no forfeiture or relocation of any mining claim or mining location in said Territory shall be permitted or adjudged for failure to do or have done the annual assessment work thereon for either of said years; and no mining claim or location therein shall be held to be forfeited or subject to relocation for any failure to have done the annual assessment work thereon where the owner or anyone for him complied with the provisions of public resolution numbered ten, Sixty-fifth Congress, approved July seventeenth, nineteen hundred and seventeen, or public resolution, numbered twelve, Sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen, and amendments thereto (Feb 28, 1919, c 85, 40 Stat 1213)

This section is a resolution entitled a "Joint Resolution to suspend the legal requirements of assessment work on mining claims in Alaska for the years nineteen hundred and seventeen, nineteen hundred and eighteen, and nineteen hundred and nineteen, and extending to that Territory the provisions of public resolution numbered ten, Sixty-fifth Congress, approved July seventeenth, nineteen hundred and seventeen, and public resolution numbered twelve, Sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen, as amended, and for other purposes" cited above

For Res July 17, 1917, c 39, and Res Oct 5, 1917, c 75, referred to in this section, see U S Comp St 1918, §§ 4620a, 4620b

§ 4620e. Same; as to labor suspended during 1919—That the provision of section 2324 of the Revised Statutes of the United States which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made during each year, be, and the same is hereby, suspended during the calendar year 1919: Provided, That no such suspension shall be granted to any one claimant for more than five claims: Provided, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded, on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution. (Aug. 15, 1919, c. 49, § 1, 41 Stat 279)

This section, and the section next following, are a resolution entitled a "Joint Resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919," cited above.

§ 4620f. Same; Res. July 17, 1917, c. 39, not affected—This resolution shall not be construed to alter, modify, amend, or repeal the public resolution entitled 'Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service," approved July 17, 1917. (Aug 15, 1919, c. 49, § 2, 41 Stat. 280,)

See note to § 4620e, ante.

§ 4620g. Same; as to labor suspended during year 1919—That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than $100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919. Provided, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution. (Nov. 13, 1919, c. 106, 41 Stat 354.)

This is a resolution entitled a "Joint Resolution to suspend the requirements of annual assessment work on mining claims during the year 1919," cited above.

§ 4620h. Same; as to labor suspended during 1920—The period within which work may be performed or improvements made for the year 1920, upon mining claims as required under section 2324 of the Revised Statutes of the United States, is hereby extended to and including the first day of July, 1921; so that work done or improvements made upon any mining claim in the United States or Alaska on or before July 1, 1921, shall have the same effect as if the same had been performed within the calendar year of 1920: Provided, That this Act shall not in any way change or modify the requirements of ex-

isting law as to work to be done or improvements made upon mining claims for the year 1921. (Dec. 31, 1920, c 8, 41 Stat 1084)

This is an act entitled "An act extending the time for the doing of annual assessment work or mining claims for the year 1920 to and including July 1, 1921," cited above

LEASE, ETC., OF COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, OR GAS LANDS

§ 4640¼. Lands subject to disposition under act; right to extract helium, reserved; persons not entitled to benefits of act—Deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities. Provided, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior. Provided further, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof. And provided further, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act (Feb. 25, 1920, c 85, § 1, 41 Stat 437.)

This section, and §§ 4640¼a-4640¼ff, 4640¼g-4640¼jj, 4640¼k-4640¼ss, post, are an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," cited above.

COAL

§ 4640¼a. Division of land into leasing tracts; offer and award of leases; prospecting permits; notice of proposed lease; common carriers—The Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant: Provided, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: Provided further, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres, and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit: And provided further, That no lease of coal under this Act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated: And provided further, That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam And provided further, That nothing herein shall preclude such a railroad of less than two hundred miles in length from securing and holding one permit or lease hereunder. (Feb 25, 1920, c 85, § 2, 41 Stat 438)

See note to § 4640¼, ante

§ 4640¼aa. Inclusion of additional lands in lease—Any person, association, or corporation holding a lease of coal lands or coal deposits under this Act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres. (Feb 25, 1920, c. 85, § 3, 41 Stat. 439.)

See note to § 4640¼, ante.

§ 4640¼b. Same—Upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease. (Feb. 25, 1920, c 85, § 4, 41 Stat. 439)

See note to § 4640¼, ante

§ 4640¼bb. Consolidation of leases—If, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this Act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands (Feb 25, 1920, c. 85, § 5, 41 Stat. 439.)

See note to § 4640¼, ante.

§ 4640¼c. Noncontiguous tracts in single lease—Where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit (Feb 25, 1920, c 85, § 6, 41 Stat. 439)

See note to § 4640¼, ante

§ 4640¼cc. Royalties; annual rentals; term of leases; development and operation—For the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: Provided, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: Provided further, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease cannot be operated except at a loss. (Feb. 25, 1920, c. 85, § 7, 41 Stat. 439.)

See note to § 4640¼, ante.

§ 4640¼d. Permits to take coal for local domestic needs—In order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this Act as in his opinion will safeguard the public interests: Provided, That this privilege shall not extend to any corporations: Provided further, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population, and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use And provided further, That the acquisition or holding of a lease under the preceding sections of this Act shall be no bar to the holding of such tract or operation of such mine under said limited license. (Feb. 25, 1920, c. 85, § 8, 41 Stat. 440)

See note to § 4640¼, ante

PHOSPHATES

§ 4640¼dd. Authority to lease lands—The Secretary of the Interior is hereby authorized to lease to any applicant qualified under this Act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt. (Feb. 25, 1920, c. 85, § 9, 41 Stat. 440)

See note to § 4640¼, ante.

§ 4640¼e. Amount of land included in lease; surveys—Each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed, if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: Provided, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one half times its width (Feb. 25, 1920, c. 85, § 10, 41 Stat. 440.)

See note to § 4640¼, ante.

§ 4640¼ee. Royalties; annual rentals; term of leases; operation—For the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the

elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods Provided, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease cannot be operated except at a loss. (Feb 25, 1920, c. 85, § 11, 41 Stat. 440)

See note to § 4640¼, ante

§ 4640¼f. Use of surface of other lands—Any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this Act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits. (Feb 25, 1920, c. 85, § 12, 41 Stat 441.)

See note to § 4640¼, ante.

OIL AND GAS

§ 4640¼ff. Prospecting permits; term and conditions; extension; location of lands; marking land; notice of application for permit; permits in Alaska—The Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed, and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: Provided, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: Provided further, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit. (Feb. 25, 1920, c 85, § 13, 41 Stat. 441.)

See note to § 4640¼, ante

§ 4640¼fff. Prospecting permits; extension of time for beginning drilling, etc.—The Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the Act of Congress approved February 25, 1920 (Forty-first Statutes, page 437), extend the time for beginning such drilling or completing it, to the amount specified in the Act for such time, not exceeding three years, and upon such conditions as he shall prescribe. (Jan. 11, 1922, c. 28, 42 Stat. 356)

This section is an act entitled "An act to authorize the Secretary of the Interior to grant extension of time under oil and gas permits, and for other purposes," cited above

§ 4640¼g. Leases; amount and survey of land; term of lease; royalties and annual rental—Upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit· Provided, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover

expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this Act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: Provided, That the Secretary shall have the right to reject any or all bids (Feb. 25, 1920, c. 85, § 14, 41 Stat. 442)

See note to § 4640¼, ante

§ 4640¼gg. Payments for oil or gas taken prior to application for lease—Until the permittee shall apply for lease to the one quarter of the Permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition. (Feb. 25, 1920, c 85, § 15, 41 Stat. 442.)

See note to § 4640¼, ante.

§ 4640¼h. Conditions of permit or lease; forfeiture for violations of—All permits and leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction. (Feb. 25, 1920, c. 85, § 16, 41 Stat. 443.)

See note to § 4640¼, ante.

§ 4640¼hh. Lease of unappropriated deposits of oil or gas in producing oil or gas field; royalties and annual rentals—All unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding six hundred and forty acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per centum in amount or value of the production, and the payment in advance of a rental of not less than $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells cannot be successfully operated upon the royalty fixed in the lease The provisions of this paragraph shall apply to all oil and gas leases made under this Act. (Feb. 25, 1920, c 85, § 17, 41 Stat. 443.)

See note to § 4640¼, ante

§ 4640¼i. Leases to persons relinquishing rights under prior claims on withdrawn lands under preexisting placer mining law; royalties; claims on naval petroleum reserves; fraud of claimant; adjustment of suits; conflicting claims—Upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this Act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost Provided, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: Provided, however, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: Provided, however, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have

been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: And provided further, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such land may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the Act entitled "An Act to amend an Act entitled 'An Act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest,' approved March 2, 1911," approved August 25, 1914 (Thirty-eighth Statutes at Large, page 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: Provided, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange. Provided further, That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for. (Feb. 25, 1920, c 85, § 18, 41 Stat. 443.)

See note to § 4640¼, ante.
For Act March 2, 1911, c. 201, as amended by Act Aug. 25, 1914, c. 287, see U. S. Comp. St. 1918, §§ 4637, 4637a.

§ 4640¼ii. Determination of validity of placer claims—Whenever the validity of any gas or petroleum placer claim under pre-existing law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation. (Feb. 25, 1920, c 85, § 18a, 41 Stat 444.)

See note to § 4640¼, ante
Act Sept. 15, 1922, c 314, 42 Stat 844, entitled "An act to extend the provisions of section 18a of an act approved Feb 25, 1920 (Forty-first Statutes, page 437), to certain lands in Utah," reads as follows:
"That for the period of twelve months from and after the approval of this Act the provisions of section 18a of an Act entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain,' approved February 25, 1920 (Forty-first Statutes, page 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: Provided, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the Act approved February 25, 1920 (Forty-first Statutes, page 437)."

§ 4640¼j. Prospecting permits and leases to persons of lands not withdrawn; terms and conditions of; fraud of claimants—Any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this Act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of $250 for each location if application therefor shall be made within six months from the passage of this Act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this Act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: Provided, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost. Provided, however, That the provisions of this section shall not apply to lands reserved for the use of the Navy: Provided, however, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear. (Feb. 25, 1920, c. 85, § 19, 41 Stat 445.)

See note to § 4640¼, ante

§ 4640¼jj. Preference right to permits or leases of claimants of lands bona fide entered as agricultural land; terms and conditions of—In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 12½ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof. (Feb. 25, 1920, c. 85, § 20, 41 Stat. 445.)

See note to § 4640¼, ante.

§ 4640¼jj(1). Permits or leases of certain lands in Oklahoma; adjustment of equitable claims by Secretary of Interior—The Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United

States, and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Oklahoma, which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to February 25, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas, by issuance of permits or leases to those found equitably entitled thereto. (March 4, 1923, c. 249, § 1, 42 Stat. 1448)

This section, and the six sections next following, are an act entitled "An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes," cited above.

§ 4640½jj(2). Same; applications; where and to whom made; grant to assignees or successors in interest of original locators or claimants; conflicting claims—Applications for permits and leases under this Act shall be made to the Secretary of the Interior, and shall be made within and not after sixty days from and after the date that this Act becomes a law. Leases and permits under this Act may be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimants have assigned or transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and their successors in interest.

In case of conflicting claimants for permits or leases under this Act, the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall be deemed just. (March 4, 1923, c. 249, § 2, 42 Stat 1448)

See note to § 4640½jj(1), ante.

§ 4640½jj(3). Same; limitation on amount of land granted—Not more than one hundred and sixty acres shall be granted by leases or permits to any one person or corporation, except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than six hundred and forty acres shall be granted by leases or permits to any one person or corporation. (March 4, 1923, c. 249, § 3, 42 Stat. 1448.)

See note to § 4640½jj(1), ante

§ 4640½jj(4). Royalties—Each lessee shall be required to pay as royalty to the United States an amount equal to the value at the time of production of 12½ per centum of all oil and gas produced by him prior to the issuance of the lease, except oil or gas used on the property for production purposes or unavoidably lost; and shall be required to pay to the United States a royalty of not less than 12½ per centum of all oil and gas produced by him after the issuance of the lease, except oil and gas used on the property for production purposes or unavoidably lost. Of the proceeds of the oil and gas that have been produced or that may hereafter be produced by the receiver of said property, appointed by the Supreme Court of the United States, 12½ per centum as royalty shall be paid to the United States, and the residue after deducting and paying the expenses of the litigation incurred by the United States and the expenses of the receivership shall be paid to the person or corporation to whom may be granted a lease of the land on which said oil and gas were produced: Provided, That the Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under this Act an amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost and except other reasonable and proper allowances for the expenses of production: Provided further, That of the amount so collected, 12½ per centum shall be reserved to the United States as royalty and the balance after deducting the expense of collection shall be paid over to the person or persons awarded permits or leases under this Act, as their interests may appear. (March 4, 1923, c. 249, § 4, 42 Stat. 1448.)

See note to § 4640½jj(1), ante

§ 4640½jj(5). Same; laws applicable; disposition of remaining lands; operation of wells pending final disposition of applications for leases or permits; disposition of royalties and rentals—Except as otherwise provided herein the applicable provisions of the Act of Congress approved February 25, 1920, entitled "An Act to permit the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," shall apply to the leases and permits granted hereunder, including the provisions of sections 35 and 36 of said Act relating to the disposition of royalties: Provided, That after the adjudication and disposition of all applications under this Act any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of said Act of February 25, 1920: Provided further, That upon the approval of this Act the Secretary of the Interior is authorized to take over and operate existing wells on any of such lands pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys heretofore impounded from past production or hereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto: And provided further, That out of the 10 per centum of money hereafter received from royalties and rentals under the provisions of this Act and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 35 of the said Act of February 25, 1920, the Secretary of the Interior is authorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof. (March 4, 1923, c. 249, § 5, 42 Stat. 1449.)

See note to § 4640½jj(1), ante

§ 4640½jj(6). Same; lands in possession of receivers appointed by Supreme Court—Nothing in this Act shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver or receivers, of any part of the lands described in section 1 of this Act, nor to authorize the Secretary of the Interior to dispose of any of said lands or oil or gas deposits involved in litigation now pending in the Supreme Court of the United States, until the final disposition of said proceeding. The authority herein granted to the Secretary of the Interior, to take over and operate oil wells on said lands, shall not become effective until the said lands shall be, by the Supreme Court of the United States, discharged from its possession. And nothing in this Act shall be construed to interfere with the jurisdiction, power, and authority of the Supreme Court of the United States to adjudicate claims against its said receiver, to direct the payment of such claims against the said receiver as may be allowed by the said court, to settle the said receiver's accounts, and to

continue the receivership until, in due and orderly course, the same may be brought to an end The Supreme Court of the United States is hereby authorized, upon the termination of the said receivership, which the Attorney General is hereby directed to apply for and secure at the earliest practicable date, to direct its receiver to pay to the Secretary of the Interior all funds derived from oil and gas produced from lands of the United States that may at that time remain in the hands of the said receiver, and when said funds shall be paid to the Secretary of the Interior the same shall be administered as in this Act provided (March 4, 1923, c. 249, § 6, 42 Stat 1449.)

See note to § 4640¼jj(1), ante

§ 4640¼jj(7). Same; rules and regulations—The Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act. (March 4, 1923, c. 249, § 7, 42 Stat. 1450)

See note to § 4640¼jj(1), ante.

OIL SHALE

§ 4640¼k. Authority to make lease; survey of land; term of lease; royalties and annual rentals; rights of existing claimants—The Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this Act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this Act, as he may prescribe, that no lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior: Provided, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: Provided, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: Provided, however, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: Provided further, That not more than one lease shall be granted under this section to any one person, association, or corporation (Feb 25, 1920, c 85, § 21, 41 Stat. 445)

See note to § 4640¼, ante

ALASKA OIL PROVISO

§ 4640¼kk. Prospecting permits or leases to claimants of withdrawn lands; terms and conditions of; fraud of claimants—Any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than $250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this Act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each: Provided, That leases in Alaska under this Act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease: Provided further, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. (Feb 25, 1920, c. 85, § 22, 41 Stat 446.)

See note to § 4640¼, ante.

SODIUM

§ 4640¼l. Prospecting permits; lands included—The Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands belonging to the United States for a period of not exceeding two years: Provided, That the area to be included in such a permit shall be not exceeding two thousand five hundred and sixty acres of land in reasonably compact form. Provided further, That the provisions of this section shall not apply to lands in San Bernardino County, California. (Feb. 25, 1920, c. 85, § 23, 41 Stat 447.)

See note to § 4640¼, ante.

§ 4640¼ll. Leases to permittees; survey of lands; royalties and annual rentals—Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described

by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with the rules and regulations to be prescribed by the Secretary of the Interior The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each twenty-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit. (Feb. 25, 1920, c. 85, § 24, 41 Stat. 447.)

See note to § 4640¼, ante.

§ 4640¼m. Permits to use or lease of nonmineral lands for camp sites, etc.—In addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (Feb 25, 1920, c. 85, § 25, 41 Stat. 447.)

See note to § 4640¼, ante.

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES

§ 4640¼mm. Cancellation of prospecting permits—The Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him. (Feb. 25, 1920, c. 85, § 26, 41 Stat. 448.)

See note to § 4640¼, ante.

§ 4640¼n. Limitation on number of leases to one person; combinations or unlawful trusts—No person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition Provided, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: Provided further, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: And provided further, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings. (Feb. 25, 1920, c. 85, § 27, 41 Stat. 448.)

See note to § 4640¼, ante.

§ 4640¼nn. Rights of way for pipe lines—Rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such

pipe lines shall be constructed, operated, and maintained as common carriers· Provided, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act. Provided further, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding. (Feb. 25, 1920, c. 85, § 28, 41 Stat. 449.)

See note to § 4640¼, ante.

§ 4640¼o. Reservation of easements or rights of way for working purposes; reservation of right to sell or lease surface of lands—Any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: Provided, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: Provided further, That if such reservation is made it shall be so determined before the offering of such lease: And provided further, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (Feb. 25, 1920, c. 85, § 29, 41 Stat. 449)

See note to § 4640¼, ante.

§ 4640¼oo. Assignment or subletting of leases; relinquishment of rights under leases; conditions in leases as to operation of mines, wells, etc.—No lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface, provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare Provided, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated. (Feb. 25, 1920, c. 85, § 30, 41 Stat. 449.)

See note to § 4640¼, ante.

§ 4640¼p. Forfeiture or cancellation of leases—Any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court or the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (Feb. 25, 1920, c. 85, § 31, 41 Stat 450.)

See note to § 4640¼, ante.

§ 4640¼pp. Rules and regulations for enforcement of act; rights of States not affected—The Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: Provided. That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States (Feb. 25, 1920, c. 85, § 32, 41 Stat. 450.)

See note to § 4640¼, ante

§ 4640¼q. Oaths required, when—All statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require. (Feb. 25, 1920, c. 85, § 33, 41 Stat. 450.)

See note to § 4640¼, ante.

§ 4640¼qq. Lands disposed of with reservation of deposits of coal, etc.—The provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits. (Feb. 25, 1920, c. 85, § 34, 41 Stat. 450)

See note to § 4640¼, ante.

§ 4640¼r. Disposition of moneys received—Ten per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be

paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: Provided, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts." (Feb. 25, 1920, c. 85, § 35, 41 Stat 450)

See note to § 4610¼, ante
For Act June 17, 1902, c 1093, see U S Comp. St. 1918, §§ 4700-4708.

§ 4640¼rr. Payment of royalties in oil or gas; sale of such oil or gas—All royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: Provided, however, That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: And provided further, That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (Feb. 25, 1920, c. 85, § 36, 41 Stat. 451.)

See note to § 4640¼, ante.

§ 4640¼s. Disposition of deposits of coal, etc., in Wyoming—The deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery (Feb. 25, 1920, c 85, § 37, 41 Stat 451.)

See note to § 4610¼, ante.

§ 4640¼ss. Fees and commissions of registers and receivers—Until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act (Feb 25, 1920, c 85, § 38, 41 Stat. 451)

See note to § 4640¼, ante.

Chapter Six B—Desert and Arid Lands, and Irrigation and Reclamation

DESERT LANDS

§ 4680. Act to apply in Colorado; resident citizens only entitled to enter—The provisions of the Act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original Act; and, excepting in the State of Nevada, no person shall be entitled to make entry of desert lands unless he be a resident citizen of the State or Territory in which the land sought to be entered is located (March 3, 1877, c 107, § 8, added, March 3, 1891, c. 561, § 2, 26 Stat 1096, and amended, Jan 6, 1921, c. 12, 41 Stat. 1086)

For this section prior to the amendment by Act Jan 6, 1921, c. 12, see U. S. Comp. St 1918, § 4680.

§ 4684aa. Time to complete irrigation works and make final proof; further extension; prerequisites—The Secretary of the Interior may, in his discretion, in addition to the extensions authorized by existing law, grant to any entryman under the desert-land laws of the United States a further extension of time of not to exceed three years within which to make final proof: Provided, That such entryman shall, by his corroborated affidavit, filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of the irrigation works intended to convey water to the land embraced in his entry, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor: And provided further, That the entryman, his heirs, or his duly qualified assignee, has in good faith complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that if the extension is granted he will be able to make the final proof of reclamation, irrigation, and cultivation required by law. (Feb. 25, 1925, c. 329, 43 Stat 982)

This section is an act entitled "An act granting desert-land entrymen an extension of time for making final proof," cited above.

§ 4684g. Final proof without farther reclamation or payments by disabled soldiers, etc.—Any entryman under the desert-land laws, or any person entitled to preference right of entry under section 1 of the Act approved March 28, 1908 (Thirty-fifth Statutes at Large, page 52), who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and

payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto Provided, That no such patent shall issue prior to the survey of the land. (March 1, 1921, c 102, § 2, added, Dec 15, 1921, c 3, 42 Stat 348)

This section was added to Act March 1, 1921, c 102, by Act Dec 15, 1921, c 3 For section 1 of said Act March 1, 1921, c 102, as amended, see ante, § 4532f

§ 4684gg. Permits to explore for water on certain lands in Nevada; designation of lands—The Secretary of the Interior is hereby authorized to grant to any citizen of the United States, or to any association of such citizens, a permit, which shall give the exclusive right, for a period not exceeding two years, to drill or otherwise explore for water beneath the surface of not exceeding two thousand five hundred and sixty acres of unreserved, unappropriated, nonmineral, nontimbered public lands of the United States in the State of Nevada not known to be susceptible of successful irrigation at a reasonable cost from any known source of water supply: Provided, however, That not more than one such permit shall be issued to the same citizen or the same association of citizens within an area of forty miles square: And provided further, That said land shall not be fenced or otherwise exclusively used by the permittee except as herein provided: And provided further, That said land shall theretofore have been designated by the Secretary of the Interior as subject to disposal under the provisions of this act. (Oct 22, 1919, c. 77, § 1, 41 Stat. 293)

This section, and §§ 4684h-4684k, 4684l-4684o, post, are an act entitled "An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes," cited above

§ 4684h. Same; application and fee; determination of character of land—The Secretary of the Interior is hereby authorized, on application or otherwise, to designate the lands subject to disposal under the provisions of this act: Provided, however, That where any person or association qualified to receive a permit under the provisions of this act shall make application for such permit upon land which has not been designated as subject to disposal under the provisions of this act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal. (Oct. 22, 1919, c. 77, § 2, 41 Stat 294.)

See note to § 4684gg, ante

§ 4684i. Same; filing application; affidavit; fee—Any qualified applicant for a permit under section 1 of this Act shall file with the register or receiver of the land district in which said land is located the application for such permit and shall make and subscribe before the proper officer and file with said register or receiver an affidavit that such application is honestly and in good faith made for the purpose of reclamation and cultivation and not for the benefit of any other person or corporation, and that the applicant is not acting as agent for any person, corporation, or syndicate in making such application, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land applied for or any part thereof, and that the applicant will faithfully and honestly endeavor to comply with all of the requirements of this Act, and shall pay to said register and receiver a filing fee of 1 cent per acre for each acre of land embraced in said application, and such applicant shall then be entitled to receive such permit after the lands embraced therein are designated as provided in section 2 of this Act. (Oct. 22, 1919, c. 77, § 3, 41 Stat 294)

See note to § 4684gg, ante

§ 4684j. Same; conditions in permits; cancellation—Such a permit shall be upon condition that the permittee shall begin operations for the development of underground waters within six months from the date of the permit and continue such operations with reasonable diligence until water has been discovered in the quantity hereinafter described, or until the date of the expiration of the permit Upon the presentation at any time of proof satisfactory to the Secretary of the Interior that any permittee is not conducting such operations in good faith and with reasonable diligence, or has violated any of the terms of the permit, the Secretary shall forthwith cancel such permit, and such permittee shall not again be granted a permit under this Act. (Oct. 22, 1919, c. 77, § 4, 41 Stat 294)

See note to § 4684gg, ante

§ 4684k. Same; patents to permittees upon discovery of water—On establishing at any time within two years from the date of the permit to the satisfaction of the Secretary of the Interior that underground waters in sufficient quantity to produce at a profit agricultural crops other than native grasses upon not less than twenty acres of land has been discovered and developed and rendered available for such use within the limits of the land embraced in any permit the said permittee shall be entitled to a patent for one-fourth of the land embraced in the permit, such area to be selected by the permittee in compact form according to the legal subdivisions of the public land surveys if the land be surveyed, or to be surveyed at his expense under rules and regulations established by the Secretary of the Interior if located on unsurveyed land. (Oct. 22, 1919, c. 77, § 5, 41 Stat. 294.)

See note to § 4684gg, ante.

§ 4684kk. Same; extension of time for beginning or continuing operations for development of underground waters—The Secretary of the Interior may, if he shall find that any permittee has been unable, with the exercise of diligence, to begin or continue operations for the development of underground waters within the time prescribed by sections 4 and 5 of the Act of Congress approved October 22, 1919 (Forty-first Statutes, page 295), extend the time for the beginning, recommencement, or completion of the said operations described in said sections for such time, not exceeding two years, and upon such conditions as he shall prescribe. (Sept. 22, 1922, c. 400, 42 Stat. 1012.)

This section is an act entitled "An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes," cited above.

§ 4684l. Same; homestead entries upon lands upon discovery of water—The remaining area within the limits of the land embraced in any such permit shall thereafter be subject to entry and disposal only under "An Act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and amendments thereto, known as the one-

hundred-and-sixty-acre homestead Act. (Oct 22, 1919, c 77, § 6, 41 Stat 294)

See note to § 4684gg, ante.

§ 4684m. Same; disposition of proceeds of sale of lands—The receipts obtained from the sale of lands under the provisions of section 6 hereof shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the Reclamation Act. (Oct 22, 1919, c. 77, § 7, 41 Stat. 295.)

See note to § 4684gg, ante

§ 4684n. Same; coal or minerals on such lands; reservation; disposition of; entries under mining laws—All entries made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal and other valuable minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same The coal and other valuable mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this Act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee, second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entrymen or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: Provided, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this Act with reference to the disposition, occupancy, and use of the surface of the land. (Oct. 22, 1919, c. 77, § 8, 41 Stat. 295.)

See note to § 4684gg, ante.

§ 4684o. Same; rules and regulations—The Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act. (Oct. 22, 1919, c. 77, § 9, 41 Stat 295)

See note to § 4684gg, ante.

GRANTS OF DESERT LANDS TO STATES FOR RECLAMATION (THE CAREY ACT)

§ 4685a. Preference right to entrymen under state laws—The Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the Act of August 18, 1894, and the Acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion and under such rules and regulations as he may establish to allow for not exceeding ninety days to any Carey Act entryman a preference right of entry under applicable land laws of any of such lands which such person had entered under and pursuant to the State laws providing for the administration of the grant under the Carey Act and upon which such person had established actual bona fide residence or had made substantial and permanent improvements: Provided, That each entryman shall be entitled to a credit as residence upon his new homestead entry allowed hereunder of the time that he has actually lived upon the claim as a bona fide resident thereof. (Feb. 14, 1920, c. 74, 41 Stat. 407)

This is an act entitled "An act to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes," cited above.

§ 4687. Time limit for reclamation; restoration to public domain—Section 4 of the Act of August 18, 1894, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," be, and the same is hereby, amended so that the ten-year period within which any State shall cause the lands applied for under said Act to be irrigated and reclaimed, as provided in said section, as amended by the Act of June 11, 1896, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands, and if actual construction of reclamation works is not begun within three years after the segregation of the lands or within such further period not exceeding three years, as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior, in his discretion, may restore such lands to the public domain; and if the State fails, within ten years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may, in his discretion, continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands not irrigated and reclaimed to the public domain upon the expiration of the ten-year period or of any extension thereof. (Jan. 6, 1921, c. 10, 41 Stat. 1085.)

This section is an act entitled "An Act to amend section 3 of an Act entitled 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes,' approved March 3, 1901 (Thirty-first Statutes at Large, page 1133)," cited above. For the section amended see U. S. Comp. St. 1918, § 4685. Act March 3, 1901, c. 853, § 3, 31 Stat. 1188 (U. S. Comp. St. 1918, § 4687), contains provisions similar to those of this section, with the exception of the provision in this section beginning "and if actual construction of reclamation work," and ending "may restore such lands to the public domain."

§ 4694aa. Extension of time of segregation in Oregon Carey Act segregation lists—The Secretary of the Interior is hereby authorized, within his discretion, to continue to not beyond January twelfth, nineteen hundred and twenty-nine, the segregation of the lands embraced in approved Oregon segregation

list numbered thirteen, under the Carey Act. (March 3, 1919, c. 114, 40 Stat. 1322)

This section is an act entitled "An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act," cited above.

§ 4694aaa. Same—The Secretary of the Interior is hereby authorized within his discretion to continue to not beyond October 21, 1930, the segregation of the lands embraced in approved Oregon segregation list numbered eleven, under the Carey Act (June 5, 1920, c 249, 41 Stat. 987)

This section is an act entitled "An act providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act," cited above

RECLAMATION OF ARID LANDS BY THE UNITED STATES

§ 4702a. Sale of land improved with irrigation fund and no longer needed; appraisal of land; manner of sale; payment of purchase price—Whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the Act of June 17, 1902, known as the Reclamation Act and Acts amendatory thereof and supplemental thereto, which are not otherwise reserved and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land, not less than one-fifth the purchase price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per centum per annum, payable annually, on deferred payments (May 20, 1920, c. 192, § 1, 41 Stat. 605)

This section, and the two sections next following, are an act entitled "An act to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws," cited above

§ 4702b. Same; patents to land sold; amount sold to one person; duties of purchasers; citizenship of purchasers—Upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: Provided, That not over one hundred and sixty acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the Reclamation Act applicable to lands of that character: Provided, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States (May 20, 1920, c. 192, § 2, 41 Stat 606)

See note to § 4702a, ante.

§ 4702c. Same; disposition of proceeds of sales—The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn (May 20, 1920, c. 192, § 3, 41 Stat. 606)

See note to § 4702a, ante

§ 4708a. Leaves of absence to certain entrymen upon lands withdrawn for irrigation within Castle Peak project—Any qualified entryman who has heretofore made bona fide entry upon land subsequently withdrawn under the provisions of the reclamation Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), for the Castle Peak irrigation project, in Utah, upon filing an application to have his entry made subject to all the charges, terms, conditions, provisions, and limitations of the reclamation Act, together with a satisfactory showing of full compliance with the homestead laws under which such entry was made to the date of such application, may be granted leave of absence from the land until the Secretary of the Interior announces the availability of a water supply for the irrigation of the land, or until the lands embraced in his entry shall be restored to the public domain: Provided, That the period of actual absence under this Act shall not be deducted from the full time of residence required by law. (Feb. 28, 1919, c. 78, 40 Stat. 1210)

This section is an act entitled "An act for the relief of entrymen within the Castle Peak irrigation project, in Utah," cited above

For Act June 17, 1902, c 1093, referred to in this section, see U S Comp St 1918, §§ 4700-4704, 4705-4708

§ 4709a. King Hill project, Idaho—King Hill project, Idaho: * * * Said project shall be subject to the reclamation Act of June seventeenth, nineteen hundred and two, and all Acts amendatory thereof or supplementary thereto, so far as applicable and consistent with contract heretofore made between the United States and King Hill irrigation district. Provided further, That for the purposes of issuing patent to lands reclaimed, the reclamation effected by the operations of the United States Reclamation Service may be considered by the Secretary of the Interior as equivalent to reclamation effected by the State of Idaho, under the Carey Act of August eighteenth, eighteen hundred and ninety-four. (July 1, 1918, c 113, § 1, 40 Stat. 674.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1919, cited above

See, also, note to § 4708a, ante.

§ 4713ff. Furnishing water to water-right applicants or entrymen in arrears for charges for operation, maintenance or construction—In view of the financial stringency and the low price of agricultural products, the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on the Federal irrigation projects during the irrigation season of 1921 to water-right applicants or entrymen who are in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any construction charges and penalties, notwithstanding the provisions of section 6 of the Act of August 13, 1914 (Thirty-eighth Statutes, page 686): Provided, That nothing herein shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said Act. (May 17, 1921, c. 7, 42 Stat 4.)

This is a resolution entitled a "Joint Resolution to authorize the Secretary of the Interior, in his discretion, to furnish water to applicants and entrymen in arrears for more than one calendar year of payment for maintenance or construction charges, notwithstanding the provisions of section 6 of the Act of August 13, 1914," cited above. For Act Aug. 13, 1914, c. 247, § 6, see U. S. Comp. St. 1918, § 4713f.

§ 4713fff. Irrigation water furnished to landowners or entrymen in arrears in payment of operation and maintenance or construction charges—The Secretary of the Interior is hereby au-

thorized in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation seasons of 1922 and 1923 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charges, notwithstanding the provisions of section 6 of the Act of August 13, 1914 (Thirty-eighth Statutes, page 686): Provided, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said Act: Provided further, That the relief provided by this section shall be extended only to a landowner or entryman whose land against which the charges have accrued is actually being cultivated. (March 31, 1922, c 119, § 2, 42 Stat. 490, amended, Feb. 28, 1923, c. 145, § 4, 42 Stat. 1325)

This section is § 2 of an act entitled "An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes," cited above, as amended by Act Feb 28, 1923, c 145, § 4, cited above, by changing the words "season of 1922" to "seasons of 1922 and 1923."

§ 4713ffff. Extension of time for payment of construction charges; application for; interest on extended charges—Where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the Act of June 17, 1902 (Thirty-second Statutes, page 388), or any Act amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922 or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed two years from December 31, 1922: Provided, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entryman whose land against which the charge has accrued is being actually cultivated: Provided further, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: And provided further, That each charge so extended shall draw interest at the rate of 6 per centum per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension, shall attach from the date the charge was originally due the same as if no extension had been granted. (March 31, 1922, c. 119, § 1, 42 Stat. 489, amended, Feb. 28, 1923, c. 145, § 1, 42 Stat. 1324.)

This section is § 1 of an act entitled "An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes," cited above, as amended by Act Feb. 28, 1923, c 145, § 1, cited above, by making the extension two years instead of one year.

§ 4713fffff. Same; further extension—The Secretary of the Interior is authorized, in the manner and subject to the conditions imposed by such Act of March 31, 1922, to extend for a period not exceeding two years from December 31, 1922, the date of any payment of any charge the date of payment of which has been extended under the provisions of section 1 of such act. (Feb. 28, 1923, c. 145, § 2, 42 Stat. 1324.)

This section, and the two sections next following, are §§ 2, 3, and 5 of an act entitled "An act to extend the time for payment of charges due on reclamation projects, and for other purposes," cited above Section 1 of this act amends § 4713ffff, ante, and section 4 amends § 4713fff, ante.

§ 4713ffffff. Same; interest on extended payments; penalty for nonpayment—That every charge, the date of payment of which is extended under the provisions of section 2 of this Act, shall draw interest at the rate of 6 per centum per annum from the date from which it was so extended in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of the period for which it is so extended any such penalty shall attach from the date the charge was originally due, as if no extension had been granted. (Feb. 28, 1923, c. 145, § 3, 42 Stat. 1325)

See note to § 4713fffff, ante.

§ 4713fffffff. Accrued charges on Boise, Idaho, project; adjustment—Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the Act of June 17, 1902 (Thirty-second Statutes at Large, page 388), or any Act amendatory thereof or supplementary thereto, is unable to pay any construction or operation and maintenance charge due, excepting operation and maintenance charges for drainage on the Boise, Idaho, project for the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized in his discretion to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1924, at such rate per year as will complete the payment during the remaining years of the twenty-year period of payment of the original construction charge: Provided, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 6 per centum per annum, paid annually from the time said amount became due to date of payment: Provided further, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to meet the deferred charges in 1924 and subsequent years: And provided further, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this Act, any penalty now provided by law shall attach from the date the charge was originally due: And provided further, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary. (Feb. 28, 1923, c. 145, § 5, 42 Stat. 1325.)

See note to § 4713fffff, ante.

§ 4713ffffffff. Extension of time for payment of accrued charges, rentals, and penalties; interest on extensions—The Secretary of the Interior is hereby authorized and empowered, in his discretion, to defer the dates of payments of any charges, rentals, and penalties which have accrued prior to the 2d day of March, 1924, under the act of June 17, 1902 (Thirty-second Statutes at Large, page 388), and amendatory and supplemental acts or prior to that date, as against water users on any irrigation project being constructed or operated and maintained under the direction of the Commissioner of Indian Affairs, as may, in his

judgment, be necessary in or concerning any irrigation project now existing under said act Provided, That no payment shall be deferred under this section in any particular case beyond March 1, 1927: Provided, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to date of payment: And provided further, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this section, any penalty now provided by law shall thereupon attach from the date of such default. (May 9, 1924, c 150, § 1, 43 Stat. 116)

This section, and the section next following, are an act entitled "An act to authorize the deferring of payments of reclamation charges," cited above

§ 4713fffffffff. Same; addition of accrued charges to construction charges—Where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (Thirty-second Statutes at Large, page 388), or any act amendatory thereof or supplementary thereto, makes application prior to January 1, 1925, alleging that he will be unable to make the payments as required in section 1 hereof, the Secretary of the Interior is hereby authorized in his discretion prior to March 1, 1925, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1925, or, in the discretion of the Secretary, distribute a total of one-fourth over the first half of the remaining years of the 20-year period beginning with the year 1925, and three-fourths over the second half of such period, so as to complete the payment during the remaining years of the 20-year period of payment of the original construction charge: Provided, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 5 per centum per annum, paid annually from the time said amount became due to date of payment: Provided further, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and probable inability to make payment at the time required in section 1: And provided further, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this act, any penalty now provided by law shall thereupon attach from the date of such default. And provided further, That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary. (May 9, 1924, c. 150, § 2, 43 Stat. 116)

See note to § 4713ffffffff, ante.

§ 4724.

Act June 24, 1921, c 28, 42 Stat 66, reads as follows: "No desert-land entry heretofore made in good faith under the public-land laws for lands in townships four and five south, range fifteen east, townships four and five south, range sixteen east; townships four, five, and six south, range seventeen east, townships five, six, and seven south, range eighteen east, townships six and seven south, range nineteen east; townships six and seven south, range twenty east; townships four, five, six, seven, and eight south, range twenty-one east, townships five, six, and sections three, four, five, six, seven, eight, eighteen, and nineteen, in township seven south, range twenty-two east, township five south, range twenty-three east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1923, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been made If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1923, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years"

§ 4740a. Proceeds of leases of lands reserved or withdrawn—The proceeds heretofore or hereafter received from the lease of any lands reserved or withdrawn under the reclamation law or from the sale of the products therefrom shall be covered into the reclamation fund; and where such lands are affected by a reservation or withdrawal under some other law, the proceeds from the lease of land and the sale of products therefrom shall likewise be covered into the reclamation fund in all cases where such lands are needed for the protection or operation of any reservoir or other works constructed under the reclamation law, and such lands shall be and remain under the jurisdiction of the Secretary of the Interior. (July 19, 1919, c. 24, § 1, 41 Stat. 202)

From the sundry civil appropriation act for the year 1920, cited above

§ 4748a. Application of reclamation laws to irrigation districts; individual water-right applications dispensed with; contracts with districts as to payments—In carrying out the purposes of the Act of June 17, 1902 (Thirty-second Statutes, page 388), and Acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the Reclamation Extension Act approved August 13, 1914 (Thirty-eighth Statutes, page 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: Provided, That no contract with an irrigation district under this Act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid. (May 15, 1922, c 190, § 1, 42 Stat. 541.)

This section, and the two sections next following, are sections 1 and 2 and part of section 3 of an act entitled

"An act to provide for the application of the reclamation law to irrigation districts," cited above The remainder of § 3 relates to federal farm loans in lands in irrigation projects, notwithstanding reserved or created liens on such lands in favor of the United States, and is set forth post, § 983fff

§ 4748b. Same; patents and water-right certificates for lands in irrigation districts; liens; release—Patents and water-right certificates which shall hereafter be issued under the terms of the Act entitled "An Act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (Thirty-seventh Statutes at Large, page 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said Act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective, and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: Provided, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: Provided further, That before any lien is released under this Act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation. (May 15, 1922, c. 190, § 2, 42 Stat. 542.)

See note to § 4748a, ante.

§ 4748c. Same; contracts with irrigation districts subject to Act Aug. 11, 1916, c. 319—Upon the execution of any contract between the United States and any irrigation district pursuant to this Act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the Act entitled "An Act to promote the reclamation of arid lands," approved August 11, 1916. Provided, That no map or plan as required by section 3 of the said Act need be filed by the irrigation district for approval by the Secretary of the Interior. (May 15, 1922, c 190, § 3, 42 Stat. 542.)

See note to § 4748a, ante.

§ 4749a. Lands in Oregon and California uncovered and open to agricultural development by change of, levels of certain lakes; public announcement of; entry upon land under homestead laws; overflow for irrigation purposes; reservations in patents—That the Secretary of the Interior be, and he hereby is, authorized and directed to determine and make public announcement of what lands in and around Little or Lower Klamath Lake, in Siskiyou County, California, and in Klamath County, Oregon, ceded to the United States by the State of California by the Act entitled "An Act authorizing the United States Government to lower the water levels of any or all of the following lakes Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," and ceded to the United States by the State of Oregon by an Act entitled "An Act to authorize the utilization of Upper Klamath Lake, Lower or Little Klamath Lake, and Tule or Rhett Lake, situate in Klamath County, Oregon, and Goose Lake, situate in Lake County, Oregon, in connection with the irrigation and reclamation operations of the Reclamation Service of the United States, and to cede to the United States all the right, title, interest, and claim of the State of Oregon to any and all lands recovered by the lowering of the water levels or by the drainage of any or all of said lakes," will eventually be uncovered and opened to agricultural development by the lowering of the water level of said lake Title to all said lands can be acquired by homestead entry under the general homestead laws and the provisions of this Act and not otherwise: Provided, That all said lands shall forever be and remain subject to the right of the United States (a) to overflow the same or any part thereof for the purposes of irrigation by such systems of reservoirs and drainage and diking as now actually exist or may be hereafter constructed in Siskiyou County, California, and Klamath County, Oregon, and (b) to drain the water therefrom. All patents issued for the said lands shall expressly reserve to the United States such right of overflow and drainage, and the title and ownership of all minerals and mineral interests in such lands, including oil, are expressly reserved to the United States. (May 27, 1920, c. 209, § 1, 41 Stat. 627.)

This section, and the seven sections next following, are an act entitled "An act to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc counties, California, and Klamath County, Oregon, and for other purposes," cited above.

§ 4749b. Same; proportionate assessment of land for benefit of reclamation fund—The Secretary of the Interior shall also determine and make public announcement of the proportionate part of the sum of $283,225, heretofore expended from the reclamation fund in connection with the Klamath project, Oregon-California, that in the opinion of the Secretary of the Interior each acre of the said land should be assessed, and the proportionate part that each acre of privately owned land, similarly situated to the said lands hereby affected, should be assessed, to return to said reclamation fund in all the said sum of $283,225. (May 27, 1920, c. 209, § 2, 41 Stat. 628)

See note to § 4749a, ante

§ 4749c. Same; survey and opening of lands to entry—That the Secretary of the Interior be, and he is hereby, authorized and directed to cause said lands to be surveyed and opened to entry under the general homestead laws and the provisions of this Act: Provided, That none of said lands shall be opened to entry until the Secretary of the Interior shall have

first made arrangement with the owners of lands in private ownership, similarly situated to the lands hereby affected, for the payment into the reclamation fund of the proportionate part of the sum of $283,225, determined and apportioned by the Secretary of the Interior against said privately owned lands as provided in section 2. (May 27, 1920, c. 209, § 3, 41 Stat. 628)

See note to § 4749a, ante

§ 4749d. Same; additional amounts payable by entrymen; terms of payment; interest on assessments; failure to pay; disposition of moneys received—In addition to all payments required by the general homestead laws there shall be paid by homestead entrymen the amount per acre assessed as provided in section 2 of this Act Said payment shall be made in annual installments of $1 per acre, except the last installment, which may be a fraction of a dollar Provided, That the whole or any part of the amount so assessed may be paid by the entryman in a shorter period if he so elects. The first installment shall be paid at the time homestead application is filed and subsequent installments shall be due and payable on December 1 of each calendar year thereafter until the entire sum so assessed and apportioned against the lands is paid, and patent shall not issue for any of said lands until the sum so apportioned against said lands shall have been fully paid. Failure to pay any installment when due shall render the entry subject to cancellation, with a forfeiture of all moneys paid. All assessments shall draw interest at the rate of 6 per centum per annum from their due date until paid All moneys paid on account of such assessments shall, without diminution of any kind whatsoever, be covered into the reclamation fund. (May 27, 1920, c. 209, § 4, 41 Stat. 628.)

See note to § 4749a, ante

§ 4749e. Same; preference rights of persons serving in military or naval forces during war with Germany—Those who served in the military or naval forces of the United States during the war between the United States and Germany and have been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have preference and prior right to file upon and enter said lands under the homestead laws and the provisions of this Act for a period of six months following the time said lands are opened to entry. That in opening said lands for homestead entry the Secretary of the Interior shall provide for the disposition thereof to the said soldiers, sailors, and marines, by drawing, under general rules and regulations to be promulgated by him: Provided, That the rights and benefits conferred by this Act shall not extend to any person who, having been drafted for service under the provisions of the selective service Act, shall have refused to render such service or to wear the uniform of such service of the United States. (May 27, 1920, c. 209, § 5, 41 Stat. 628)

See note to § 4749a, ante

§ 4749f. Same; no squatters' rights; time for entry upon land—No rights to make entry shall attach by reason of settlement or squatting upon any of the lands hereby restored before the hour on which such lands shall be subject to homestead entry at the land office, and until said lands are opened for settlement and entry as herein provided no person shall enter upon and occupy the same, and any person violating this provision shall never be permitted to enter any of said lands. (May 27, 1920, c. 209, § 6, 41 Stat. 629)

See note to § 4749a, ante.

§ 4749g. Same; determination of land to be opened for entry within boundaries of Klamath Lake Bird Reservation—The Secretary of the Interior shall determine which of the lands now within the boundaries of the Klamath Lake Bird Reserve are chiefly valuable for agricultural purposes and which for the purpose of said reservation, and shall open to homestead entry those lands which are chiefly valuable for agricultural purposes. Provided, That the shore line of the lake, including the smallest legal subdivision of land adjoining the flow line, shall remain in the possession of the United States, but access may be provided to the lake for such canals as may be necessary for irrigation, drainage, and domestic water supply. (May 27, 1920, c 209, § 7, 41 Stat. 629)

See note to § 4749a, ante

§ 4749h. Same; powers of Secretary of Interior—The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. (May 27, 1920, c. 209, § 8, 41 Stat 629)

See note to § 4749a, ante.

§ 4749i. Refunds to World War veterans; definitions—As used in this Act—

(a) The term "veteran" includes any individual a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage; and

(b) The term "reclamation law" means the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and all Acts amendatory thereof or supplementary thereto. (Feb. 21, 1925, c. 277, § 1, 43 Stat. 956)

This section, and the four sections next following, are an act entitled "An act to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects," cited above

§ 4749j. Same; veterans entitled to refund; investigation and approval of applications for refunds and payment thereof—(a) Any veteran—who at any time since April 6, 1917, has made entry upon a farm unit within a Federal irrigation project under the reclamation law and (1) who no longer retains such entry because of cancellation by, or relinquishment to, the United States after or (2) who, prior to receipt by him of a final certificate in respect of such entry, but in no case more than one year after the date of passage of this Act, desires to relinquish such entry—may, in accordance with regulations prescribed by the Secretary of the Interior, file application for the refund provided in subdivision (b). A veteran who has been compensated, in cash or otherwise, for any such relinquishment shall not be entitled to the benefits of this Act, and before payment of such refund the Secretary of the Interior, under such regulations as he may prescribe, shall require proof that the veteran has not been so compensated.

(b) Upon receipt of such application the Secretary of the Interior is authorized to investigate the facts and, in his discretion, to pay as a refund to any such veteran entitled thereto, a sum equal to all amounts paid to the United States by such veteran, or for his account, as construction charges and as interest and penalties on such charges in respect of such unit, Every such refund so approved by the Secretary of the Interior shall be paid from the appropriation for

the project on which the entry in question was made. (Feb. 21, 1925, c. 277, § 2, 43 Stat. 956)

See note to § 4749i, ante.

§ 4749k. Same; benefits accruing to estates of veterans; relinquishment of rights upon acceptance of refund—(a) The estate of a veteran shall be entitled to the benefits of this Act in any case where the veteran, if living, could have availed himself of such benefits. Application for such benefits shall be made by, and payments thereof shall be made to, the executor or administrator of such estate

(b) A veteran (or his estate) accepting in respect of any farm unit the benefits of this Act, shall be deemed thereby to have relinquished, in accordance with regulations prescribed by the Secretary of the Interior, all right, title, or interest of such veteran (or estate) in such farm unit and any improvements thereon. (Feb. 21, 1925, c. 277, § 3, 43 Stat. 956.)

See note to § 4749i, ante.

§ 4749l. Same; cancellation of water rights—The Secretary of the Interior is authorized to cancel any application for permanent water right for any farm unit in respect of which a veteran (or his estate) has received the benefits of this Act, and to terminate all rights and liabilities of such veteran (or estate) in respect of such application. (Feb 21, 1925, c. 277, § 4, 43 Stat 957)

See note to § 4749i, ante.

§ 4749m. Same; regulations by Secretary of Interior—The Secretary of the Interior is authorized to make such regulations as he deems necessary to execute the functions imposed upon him by this Act. (Feb. 21, 1925, c. 277, § 5, 43 Stat 957.)

See note to § 4749i, ante.

§ 4750a. Supply of water from project irrigation systems for other than irrigation purposes; contracts for—The Secretary of the Interior in connection with the operations under the reclamation law is hereby authorized to enter into contract to supply water from any project irrigation system for other purposes than irrigation, upon such conditions of delivery, use, and payment as he may deem proper: Provided, That the approval of such contract by the water users' association or associations shall have first been obtained. Provided, That no such contract shall be entered into except upon a showing that there is no other practicable source of water supply for the purpose. Provided, further, That no water shall be furnished for the uses aforesaid if the delivery of such water shall be detrimental to the water service for such irrigation project, nor to the rights of any prior appropriator. Provided, further, That the moneys derived from such contracts shall be covered into the reclamation fund and be placed to the credit of the project from which such water is supplied. (Feb. 25, 1920, c. 86, 41 Stat. 451.)

This is an act entitled "An act for furnishing water supply for miscellaneous purposes in connection with reclamation projects," cited above.

§ 4750b. Riverton project, Wyoming; subject to reclamation act—Riverton project, Wyoming: For the reclamation of lands within and in the vicinity of the ceded portion of the Wind River or Shoshone Reservation, including operation and maintenance, continuation of construction, and incidental operations * *: Provided, That said lands shall be subject to all the charges, terms, conditions, provisions, and limitations of the Reclamation Act and Acts amendatory thereof or supplementary thereto, and suitable provision shall be made by the Secretary of the Interior in fixing the charges to provide for reimbursement of the entire expenditure in accordance with the reclamation law and other laws applicable to said lands (June 5, 1920, c 235, § 1, 41 Stat 915)

From the sundry civil appropriation act for the year 1921, cited above

§ 4750c. Same; payments by homestead entrymen—Riverton project, Wyoming When any land on the project is opened to homestead entry under the terms of the "Reclamation Law," the entryman shall pay to the United States for the lands the sum of $1 50 per acre as provided in section 2 of the Act approved March 3, 1905 (volume 33, Statutes at Large, page 1016), to be credited to the fund established by said Act of 1905, together with the proceeds from the sale of town sites established in said project under the "Reclamation Law." (March 4, 1921, c. 161, § 1, 41 Stat 1404)

From the sundry civil appropriation act for the year 1922, cited above

§ 4750d. Moneys received to be paid into reclamation fund; expenditures—All moneys hereafter received from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes. (March 4, 1921, c. 161, § 1, 41 Stat. 1404.)

From the sundry civil appropriation act for the year 1922, cited above

§ 4750e. North Platte irrigation project; preferred right of certain ex-service men to entry at next opening of lands under project—The ex-service men qualified to make entry under the homestead laws, who were successful at the drawing held March 5, 1920, for farm units on the North Platte irrigation project, Fort Laramie unit, Nebraska-Wyoming, and to whom approved water-rental applications were duly issued but who were prevented from making homestead entries for the lands covered by such applications because of the reinstatement of certain conflicting homestead entries, shall each have a preferred right of entry under the homestead laws at the next opening of lands under said project, for not less than thirty days before the date set for the opening of such lands to other entry. Provided, That this Act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead laws since being prevented, as aforesaid, from exercising the right acquired at the said drawing on March 5, 1920. (May 20, 1921, c 9, 42 Stat. 7)

This section is an act entitled "An act for the relief of certain ex-service men whose rights to make entries under the North Platte irrigation project Nebraska-Wyoming, were defeated by intervening claims," cited above

§ 4750f. Sale of surplus power developed under Salt River reclamation project—Whenever a development of power is necessary for the irrigation of lands under the Salt River reclamation project, Arizona, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized, giving preference to municipal purposes, to enter into contracts for a period not exceeding fifty years for the sale of any surplus power so developed, and the money derived from such sales shall be placed to the credit of said project for disposal as provided in the contract between the United States of America and the Salt River Valley Water Users' Association, approved September 6, 1917. Provided, That no contract shall be made for the sale of such surplus power which will impair the efficiency of said project. Provided, however, That no such contract shall be made without

the approval of the legally organized water users' association or irrigation district which has contracted with the United States to repay the cost of said project: Provided further, That the charge for power may be readjusted at the end of five, ten, or twenty year periods after the beginning of any contract for the sale of power in a manner to be described in the contract (Sept. 18, 1922, c 323, 42 Stat 847.)

This section is an act entitled "An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona," cited above

§ 4750g1. Irrigation projects; definitions—When used in this section—

(a) The word "Secretary" means the Secretary of the Interior.

(b) The words "reclamation law" mean the Act of June 17, 1902 (Thirty-second Statutes, page 388), and all Acts amendatory thereof or supplementary thereto.

(c) The words "reclamation fund" mean the fund provided by the reclamation law

(d) The word "project" means a Federal irrigation project authorized by the reclamation law

(e) The words "division of a project" means a substantial irrigable area of a project designated as a division by order of the Secretary. (Dec. 5, 1924, c. 4, § 4, subsec A, 43 Stat. 701)

This section, and the seventeen sections next following, are section 4 of the Second Deficiency Act, Fiscal Year 1924, cited above

§ 4750g2. Same; approval—No new project or new division of a project shall be approved for construction or estimates submitted therefor by the Secretary until information in detail shall be secured by him concerning the water supply, the engineering features, the cost of construction, land prices, and the probable cost of development, and he shall have made a finding in writing that it is feasible, that it is adaptable for actual settlement and farm homes, and that it will probably return the cost thereof to the United States. (Dec. 5, 1924, c. 4, § 4, subsec. B, 43 Stat. 702)

See note to § 4750g1, ante.

§ 4750g3. Same; qualifications of applicants for entry to public lands on projects—The Secretary is hereby authorized, under regulations to be promulgated by him, to require of each applicant including preference right ex-service men for entry to public lands on a project, such qualifications as to industry, experience, character, and capital, as in his opinion are necessary to give reasonable assurance of success by the prospective settler The Secretary is authorized to appoint boards in part composed of private citizens, to assist in determining such qualifications (Dec. 5, 1924, c. 4, § 4, subsec. C, 43 Stat. 702)

See note to § 4750g1, ante

§ 4750g4. Same; classification of irrigable lands in projects—The irrigable lands of each new project and new division of a project hereinafter approved shall be classified by the Secretary, with respect to their power, under a proper agricultural program, to support a family and pay water charges, and the Secretary is authorized to fix different construction charges against different classes of land under the same project for the purpose of equitably apportioning the total construction cost so that all lands may as far as practicable bear the burden of such cost according to their productive value. (Dec. 5, 1924, c. 4, § 4, subsec. D, 43 Stat. 702.)

See note to § 4750g1, ante

§ 4750g5. Same; notices as to construction charges—Hereafter the Secretary shall as to each irrigable acre of land in each new project, or a new division of a project, issue two public notices relating to construction charges The first public notice shall be issued when the land is ready for settlement and will announce the construction charge per irrigable acre. The second public notice shall be issued when in the opinion of the Secretary the agricultural development of the project shall have advanced sufficiently to warrant the commencement of payment of installments of such construction charge. The second public notice shall fix the date when payments will begin on the construction charge announced by the first public notice, which date shall be not more than five years from the date of the first public notice (Dec. 5, 1924, c. 4, § 4, subsec. E, 43 Stat. 702)

See note to § 4750g1, ante

§ 4750g6. Same; payment of construction charges; installments—Hereafter all project construction charges shall be made payable in annual installments based on the productive power of the land as provided in this subsection The installment of the construction charge per irrigable acre payable each year shall be 5 per centum of the average gross annual acre income for the ten calendar years first preceding, or for all years of record if fewer than ten years are available, of the area in cultivation in the division or subdivision thereof of the project in which the land is located, as found by the Secretary annually. The decision of the Secretary as to the amount of any such installment shall be conclusive These annual payments shall continue until the total construction charge against each unit is paid. The Secretary is authorized upon request to amend any existing contract for a project water right so that it will provide for payment of the construction charge thereunder in accordance with the provisions of this subsection or for the deferment of such construction charges for a period of three years from the approval of this section, or both. (Dec 5, 1924, c. 4, § 4, subsec F, 43 Stat 702)

See note to § 4750g1, ante

§ 4750g7. Same; control, etc., of projects covered by water right contracts—Whenever two-thirds of the irrigable area of any project, or division of a project, shall be covered by water right contracts between the water users and the United States, said project shall be required, as a condition precedent to receiving the benefits of this section to take over, through a legally organized water users' association or irrigation district, the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as the Secretary may prescribe, and thereafter the United States, in its relation to said project, shall deal with a water users' association or irrigation district, and when the water users assume control of a project, the operation and maintenance charges for the year then current shall be covered into the construction account to be repaid as part of the construction repayments. (Dec. 5, 1924, c. 4, § 4, subsec. G, 43 Stat 702)

See note to § 4750g1, ante.

§ 4750g8. Same; penalty against delinquent accounts—The penalty of 1 per centum per month against delinquent accounts, provided in section 3 and section 6 of the Act of August 13, 1914 (Thirty-eighth Statutes, page 686), is hereby reduced to one-half of 1 per centum per month, as to all installments which may hereafter become due. (Dec. 5, 1924, c. 4, § 4, subsec H, 43 Stat. 703.)

See note to § 4750g1, ante

§ 4750g9. Same; profits from projects taken over by water users—Whenever the water users take over the care, operation, and maintenance of a project, or a division of a project, the total accumu-

lated net profits, as determined by the Secretary, derived from the operation of project power plants, leasing of project grazing and farm lands, and the sale or use of town sites shall be credited to the construction charge of the project, or a division thereof, and thereafter the net profits from such sources may be used by the water users to be credited annually, first, on account of project construction charge, second, on account of project operation and maintenance charge, and third, as the water users may direct. No distribution to individual water users shall be made out of any such profits before all obligations to the Government shall have been fully paid. (Dec 5, 1924, c 4, § 4, subsec. I, 43 Stat. 703)

See note to § 4750g1, ante.

§ 4750g10. Same; moneys or profits from sale or rental of surplus water, etc.—All moneys or profits as determined by the Secretary heretofore or hereafter derived from the sale or rental of surplus water under the Warren Act of February 21, 1911 (Thirty-sixth Statutes, page 925), or from the connection of a new project with an existing project shall be credited to the project or division of the project to which the construction cost has been charged (Dec 5, 1924, c. 4, § 4, subsec. J, 43 Stat. 703.)

See note to § 4750g1, ante.

§ 4750g11. Same; surveys—On each existing project where, in the opinion of the Secretary, it appears that on account of lack of fertility in the soil, an inadequate water supply, or other physical causes, settlers are unable to pay construction costs, or whenever it appears that the cost of any reclamation project by reason of error or mistake or for any cause has been apportioned or charged upon a smaller area of land than the total area of land under said project, the Secretary is authorized to undertake a comprehensive and detailed survey to ascertain all pertinent facts, and report in each case the result of such survey to the Congress, with his recommendations: Provided, That the cost and expense of each such survey shall be charged to the appropriation for the project on account of which the same is made, but shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the project. (Dec. 5, 1924, c. 4, § 4, subsec. K, 43 Stat. 703.)

See note to § 4750g1, ante

§ 4750g12. Same; adjustment of water charges; determination of construction charges—In any adjustment of water charges as provided in this section all due and unpaid charges to the United States, both on account of construction and on account of operation and maintenance, including interest and penalties, shall be added in each case to the total obligation of the water user, and the new total thus established shall then be the construction charge against the land in question. (Dec. 5, 1924, c. 4, § 4, subsec. L, 43 Stat. 703.)

See note to § 4750g1, ante

§ 4750g13. Same; exchange of farm unit entries—Every entryman or assignee on a project farm unit not yet patented, which unit shall be found by the Secretary to be insufficient to support a family and pay water charges shall have the right upon application to exchange his entry for another farm unit of unentered public land on the same or another project located in the same State, in which event all installments of construction charges theretofore paid on account of the relinquished farm unit shall be credited on account of the new farm unit taken in exchange: Provided, That where two entrymen apply for the same farm unit under the exchange provision of this subsection, only one of whom is an ex-service man, as defined by the joint resolution of January 21, 1922 (Forty-second Statutes, page 358), the ex-service man shall have a preference in making such exchange. (Dec. 5, 1924, c. 4, § 4, subsec. M, 43 Stat. 703)

See note to § 4750g1, ante.

§ 4750g14. Same; advance payment of operation and maintenance charges—All contracts providing for new projects and new divisions of projects shall require that all operation and maintenance charge shall be payable in advance In each case where the care, operation, and maintenance of a project or division of a project are transferred to the water users the contract shall require the payment of operation and maintenance charges in advance. That whenever an adjustment of water charges is made under this section the adjustment contract shall provide that thereafter all operation and maintenance charges shall be payable in advance. (Dec 5, 1924, c. 4, § 4, subsec. N, 43 Stat. 704)

See note to § 4750g1, ante

§ 4750g15. Same; administrative expenses charged to reclamation fund—The cost and expense after June 30, 1925, of the main office at Washington, District of Columbia, of the Bureau of Reclamation in the Department of the Interior, and the cost and expense of general investigations heretofore and hereafter authorized by the Secretary, shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects. (Dec 5, 1924, c. 4, § 4, subsec O, 43 Stat 704)

See note to § 4750g1, ante

§ 4750g16. Same; reservation of easements or rights of way—Where, in the opinion of the Secretary, a right of way or easement of any kind over public land is required in connection with a project the Secretary may reserve the same to the United States by filing in the General Land Office and in the appropriate local land office copies of an instrument giving a description of the right of way or easement and notice that the same is reserved to the United States for Federal irrigation purposes under this section, in which event entry for such land and the patent issued therefor shall be subject to the right of way or easement so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent. (Dec 5, 1924, c. 4, § 4, subsec. P, 43 Stat 704)

See note to § 4750g1, ante

§ 4750g17. Same; donations—Where real property or any interest therein heretofore has been, or hereafter shall be, donated and conveyed to the United States for use in connection with a project, and the Secretary decides not to utilize the donation, he is authorized without charge to reconvey such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor. (Dec. 5, 1924, c. 4, § 4, subsec. Q, 43 Stat 704)

See note to § 4750g1, ante.

§ 4750g18. Same; appropriation for investigations—There is hereby authorized to be appropriated from the General Treasury, the sum of $100,000 for investigations to be made by the Secretary through the Bureau of Reclamation to obtain necessary information to determine how arid and semi-arid, swamp, and cut-over timberlands may best be developed. (Dec. 5, 1924, c. 4, § 4, subsec. R, 43 Stat. 704)

See note to § 4750g1, ante.

§ 4750h. Contributions by states, etc., to expenses of investigations—Hereafter the Secretary

of the Interior is authorized to receive moneys from any State, municipality, irrigation district individual, or other interest, public or private, expend the same in connection with moneys appropriated by the United States for any such cooperative investigation, and return to the contributor any moneys so contributed in excess of the actual cost of that portion of the work properly chargeable to the contribution (Dec 5, 1924, c 4, § 1, 43 Stat 685)

From the Second Deficiency Act, Fiscal Year 1924, cited above.

Chapter Seven—Sale and Disposal of the Public Lands

§ 4780. Error in entry, selection or location by mistake of numbers; procedure where final entries have been canceled—In all cases where an entry, selection, or location has been or shall hereafter be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register and receiver of the land district in which such tract of land is situate, who should transmit the evidence submitted to them, in each case, together with their written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry, selection, or location, but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons

In all cases where a final entry of public lands has been or may be hereafter canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under the proviso to section 7 of the Act of March 3, 1891 (Twenty-sixth Statutes, page 1090), if the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, the Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, nonmineral in character, free from lawful claim, and otherwise subject to general disposition: Provided, That the entryman, his heirs, or assigns shall file a relinquishment of all right, title, and interest in and to the land originally entered: Provided further, That no right or claim under the provisions of this paragraph shall be assignable or transferable. (R. S. § 2372, amended, Feb. 24, 1909, c. 181, 35 Stat. 645, and Jan. 27, 1922, c. 33, 42 Stat. 359.)

This section was again amended by act Jan. 27, 1922, c. 33, 42 Stat. 359, cited above, by adding thereto the last paragraph as set forth above.

Chapter Eight—Reservation and Sale of Town-Sites on the Public Lands

§ 4802b. Conveyance to school districts of lands within reclamation town sites—That the Secretary of the Interior be and he is hereby authorized, upon application by the proper officers of a school district located wholly or in part within the boundaries of a project of the United States Reclamation Service, to issue patent conveying to such district such unappropriated undisposed of lands, not exceeding six acres in area, within any Government reclamation town site situated within such school district as, in the opinion of the Secretary of the Interior, are necessary for use by said district for school buildings and grounds: Provided, That if any land so conveyed cease entirely to be used for school purposes title thereto shall revert to and revest in the United States. (Oct 31, 1919, c. 92, 41 Stat 326.)

This is an act entitled "An act granting lands for school purposes in Government town sites on reclamation projects," cited above

Chapter Nine—Survey of the Public Lands

§ 4824a. Surveys and resurveys; surveyors—Surveying public lands For surveys and resurveys of public lands, examinations of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, * *: Provided, That the sum of not exceeding 10 per centum of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public land survey corners wherever practicable: Provided further, That not to exceed $10,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: Provided further, That not to exceed $15,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California railroad lands and the Coos Bay Wagon Road lands Provided further, That not to exceed $50,000 of this appropriation may be used for surveys and resurveys, under the rectangular system provided by law, of public lands deemed valuable for oil and oil shale. (May 24, 1922, c. 199, 42 Stat. 558. Jan. 24, 1923, c. 42, 42 Stat 1180 June 5, 1924, c. 264, 43 Stat. 394. March 3, 1925, c. 462, 43 Stat. 1144.)

From the Interior Department appropriation act for the year 1926, cited above. Somewhat similar provisions are contained in prior acts.

§ 4824b. Resurveys or retracements of township lines, etc.—Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than fifty per centum of the area of which townships is privately owned, accompanied by a deposit with the United States surveyor general for the proper State, or if there be no surveyor general of such State, then with the Commissioner of the General Land Office, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Com-

missioner of the General Land Office, subject to the supervisory authority of the Secretary of the Interior, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands; that the sum so deposited shall be held by the surveyor general or commissioner when ex officio surveyor general and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the person making said deposits or their legal representatives; that the proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements; that similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court, that the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this Act into full force and effect. (Sept. 21, 1918, c. 175, 40 Stat 965.)

This section is an act entitled "An act authorizing the resurvey or retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions," cited above.

§ 4824c. Township surveys in New Mexico; settlement of small holding claims—In township surveys hereafter to be made in the State of New Mexico, if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land or in connection therewith of other lands, all together not exceeding one hundred and sixty acres, in such township for twenty years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith Such possession shall be accurately defined in the field notes of the survey and delineated on the township plat, with the boundaries and area of the tract as a separate legal subdivision The deputy surveyor shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession.

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them: Provided, however, That no person shall be entitled to confirmation of, or to patent for, more than one hundred and sixty acres in his own right by virtue of this section.

All claims arising under this Act shall be filed with the surveyor general of New Mexico within two years next after the passage of this Act, and no claim not so filed shall be valid. No tract of such land shall be subject to entry under the land laws of the United States And provided further, That this Act shall not apply to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town the claim to which may fall within the provisions of this Act. (June 15, 1922, c 220, 42 Stat 650)

This is an act entitled "An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico," cited above

Chapter Ten A—Reservations and Grants to States for Public Purposes

§ 4861.

Section 11 of Act 1889, Feb 22, c. 180, 31 Stat 676, is amended by Act Aug 11, 1921, c 61, 42 Stat 158, by adding thereto the following "Provided, however, That the State may, upon such terms as it may prescribe, grant such easements or rights in such lands as may be acquired in, to, or over the lands of private properties through proceedings in eminent domain And provided further, That any of such granted lands found, after title thereto has vested in the State, to be mineral in character, may be leased for a period not longer than twenty years upon such terms and conditions as the legislature may prescribe"

§ 4861a. Indemnity selections by State of Wyoming—Upon the selection by the State of Wyoming under the provisions of sections 2275 and 2276, United States Revised Statutes, as amended by the Act of February 28, 1891 (Twenty-sixth Statutes, page 796), and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract numbered sixty, township fifty-six north, of range sixty-nine west, of the sixth principal meridian in that State, which is a segregation by resurvey of granted school section thirty-six in said township, the Secretary of the Interior is hereby authorized to convey title to the State for the land so selected if found regular. (March 2, 1923, c. 184, 42 Stat. 1429)

This section is an act entitled "An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands," cited above

§ 4876.

Act Feb 16, 1921, c. 60, 41 Stat. 1103, entitled "An Act providing for the survey of public lands remaining unsurveyed in the State of Florida, with a view of satisfying the grant in aid of schools made to said State under the Act of March 3, 1845, and other Acts amendatory thereof," provides as follows.

"It shall be lawful for the properly credited agent or official of the State of Florida having in charge the adjustment of its school grant to apply to the Commissioner of the General Land Office for the survey of any townships or parts of townships of public land unsurveyed in any of the surveying districts of said State, with a view to satisfy the grant in aid of schools made to said State of Florida by the Act of March 3, 1845, and other Acts amendatory thereto to the extent of the full quantity of land called for thereby, and upon the application of said agent or official, the Commissioner of the General Land Office shall proceed to have the survey or surveys so applied for made, as in the case of surveys of other public lands; and the lands that may be found to fall within the limits of such townships or parts of townships as ascertained by the survey shall be reserved, upon the filing of the application for survey from any adverse appropriation by settlement or otherwise, except under rights that may be found to exist of prior inception, for a period to extend from such application for survey until the expiration of sixty days from date of filing of the township plat of survey in the proper district land office, which period of sixty days the State may select any of such lands not embraced in any valid adverse claim for the satisfaction of its school grant, as aforesaid, with the condition, however, that the agent or official of the State, within thirty days from the date of such filing of the application for survey, shall cause a notice to be published, which publication shall be continued for thirty days from date of first publication in some newspaper of general circulation in the vicinity of the lands likely to be embraced in such townships or parts of townships giving notice to all parties interested of the fact of such application for survey and the exclusive right of selection by the State for the aforesaid period of sixty days as herein provided for, and after the expiration of such sixty

days any lands which may remain unselected by the State and not otherwise appropriated according to law shall be subject to disposal under general laws as other public lands Provided, That the Commissioner of the General Land Office shall give notice immediately of the reservation of any township or parts of townships to the officials of the local land office of the land district in which the land is situated of the withdrawal of such townships or parts of townships for the purpose hereinbefore provided Provided further, that nothing herein shall be deemed to authorize the Commissioner of the General Land Office to survey any lands within the exterior boundaries of the Everglades, as defined in Everglades patent numbered one hundred and thirty-seven, issued to the State of Florida by the United States under the Swamp Land Act of 1850"

§ 4877a. Preference right of selection granted in North Dakota, South Dakota, Montana, Idaho and Washington; rights of bona fide settlers—Such preference right shall not accrue against bona fide homestead or pre-emption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said States. (March 3, 1893, c. 208, 27 Stat 593)

From the sundry civil appropriation act for the year 1894, cited above.

§ 4881a. Exchange of cut-over land in Montana—Tracts of timbered lands heretofore granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforesting be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding. (Feb 14, 1923, c. 74, 42 Stat. 1245.)

This section is an act entitled "An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value," cited above

Chapter Ten B—Grants in Aid of Railroads and Wagon Roads

§ 4889.

Provision for the relinquishment by the Northern Pacific Railroad Company of lands within certain former Indian reservations, found in the possession of actual bona fide qualified settlers under the homestead laws, to such settlers, and the selection by said railroad of an equal quantity of other lands in lieu thereof from surveyed public lands in Montana, including lands withdrawn or classified as coal lands, is made by act Feb 28, 1919, c. 72, 40 Stat. 1204.

§ 4895.

Res. June 5, 1924, c 267, 43 Stat 461, reads as follows:

"That the Secretary of the Interior is hereby directed to withhold until March 4, 1926, his approval of the adjustment of the Northern Pacific land grants under the Act of July 2, 1864, and the joint resolution of May 31, 1870, and he is also hereby directed to withhold the issuance of any further patents and muniments of title under the said Act and the said resolution or any legislative enactments supplemental thereto or connected therewith, until after Congress shall have made a full and complete inquiry into the said land grants and the Acts supplemental thereto for the purpose of considering legislation to meet the respective rights of the Northern Pacific Railroad Company and its successors and the United States in the premises. Provided, That this Act shall not prevent the adjudication of any claims arising under the public land laws where the claimants are not seeking title through the grants to the Northern Pacific Railroad Company, or its successors, or any Acts in modification thereof, or supplemental thereto. Provided further, That the inhibition against the approval of said land grants and the issuance of patents and muniments of title thereunder shall unless further extended terminate on March 4, 1926, unless on said date said land grants and the proceedings thereunder are being adjudicated at the direction of Congress in the courts, in which event the approval of said land grants and the issuance of patents and muniments of title shall await the final adjudication thereof

"2 The Secretary of the Interior is hereby directed to advise Congress of the status of the said Northern Pacific land grants, recommending such action as he believes right and proper for the further adjustment thereof

"3 That a joint committee of both Houses of Congress is hereby created to be composed of five members of the Senate to be appointed by the President thereof, and five Members of the House of Representatives to be appointed by the Speaker of that body Any vacancy occurring on the committee shall be filled in the same manner as the original appointment The said committee is hereby empowered and directed to make a thorough and complete investigation of the land grants of the Northern Pacific Railroad Company, and its successor, the Northern Pacific Railway Company, under the Act of July 2, 1864 (Thirteenth Statutes, page 365), and the joint resolution of May 31, 1870 (Sixteenth Statutes, page 378), and any other Acts of Congress supplemental thereto or connected therewith, and the facts and the law pertaining thereto and arising therefrom, and to report to Congress its conclusions and recommendations based thereon Said committee or any subcommittee thereof is hereby empowered to sit and act during the session or recess of Congress or of either House thereof in the District of Columbia or elsewhere in the United States, to require by subpœna or otherwise the attendance of witnesses and the production of books, documents, and papers, to take the testimony of witnesses under oath; to obtain documents, papers, and other information from the several departments of the Government or any bureau thereof, to employ stenographers to take and to make a record of all evidence taken and received by the committee and to keep a record of its proceedings, to have such evidence, record, and other matter required by the committee printed and suitably bound, and to employ such assistance as may be deemed necessary The chairman of the committee or any member thereof may administer oaths to witnesses Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof And in case of disobedience to a subpœna this committee may invoke the aid of any court of the United States or of the District of Columbia within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this resolution And any such court within the jurisdiction of which the inquiry under this resolution is being carried on may in case of contumacy or refusal to obey a subpœna issued on any person under authority of this resolution issue an order requiring such person to appear before said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared refuses to answer any question pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than $1,000 and imprisonment for not more than one year

"The sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the sum to be disbursed by the secretary of the committee upon vouchers to be approved by the chairman of the committee."

§ 4917.

Act Feb 26, 1919, c 47, 40 Stat 1179, provides for the acceptance from the Southern Oregon Company of a reconveyance of the lands granted to the State of Oregon by Act March 3, 1869, c. 150, 15 Stat. 340, and for the disposition of such lands as provided for by Act June 9, 1916, c. 137, 39 Stat. 218.

In the administration of Act June 9, 1916, c 137, 39 Stat 218, and Act Feb 26, 1919, c 47, 40 Stat 1179, the Secretary of the Interior is authorized to sell timber on lands classified and withdrawn as power-site lands, by section 1 of Act June 4, 1920, c. 226, 41 Stat 758 Section 2 of said Act June 4, 1920, c 226, provides for the disposition as water-power sites of lands embraced in homestead entries or sales authorized by section 1. Section 3 of said Act June 4, 1920, c. 226, provides that Act May 31, 1918, c 90, 40 Stat. 593, shall be extended to the lands reconveyed to the United States under said Act Feb 26, 1916, c 47 Section 4 of said Act June 4, 1920, c 226, amends said Act May 31, 1918, c. 90 Section 5 of said Act June 4, 1920, c. 226, authorizes the Secretary of the Interior to perform all acts and make the necessary rules and regulations to carry into effect said act.

§ 4917a. Disposition of abandoned or forfeited railroad grants—Whenever public lands of the United States have been or may be granted to any rail-

road company for use as a right of way for its railroad or as sites for railroad structures of any kind, and use and occupancy of said lands for such purposes has ceased or shall hereafter cease, whether by forfeiture or by abandonment by said railroad company declared or decreed by a court of competent jurisdiction or by Act of Congress, then and thereupon all right, title, interest, and estate of the United States in said lands shall, except such part thereof as may be embraced in a public highway legally established within one year after the date of said decree or forfeiture or abandonment be transferred to and vested in any person, firm, or corporation, assigns, or successors in title and interest to whom or to which title of the United States may have been or may be granted, conveying or purporting to convey the whole of the legal subdivision or subdivisions traversed or occupied by such railroad or railroad structures of any kind as aforesaid, except lands within a municipality the title to which, upon forfeiture or abandonment, as herein provided, shall vest in such municipality, and this by virtue of the patent thereto and without the necessity of any other or further conveyance or assurance of any kind or nature whatsoever: Provided, That this Act shall not affect conveyances made by any railroad company of portions of its right of way if such conveyance be among those which have been or may hereafter and before such forfeiture or abandonment be validated and confirmed by any Act of Congress; nor shall this Act affect any public highway now on said right of way: Provided further, That the transfer of such lands shall be subject to and contain reservations in favor of the United States of all oil, gas, and other minerals in the land so transferred and conveyed, with the right to prospect for, mine, and remove same. (March 8, 1922, c. 94, 42 Stat. 414.)

This is an act entitled "An act to provide for the disposition of abandoned portions of rights of way granted to railroad companies," cited above

Chapter Ten C—Rights of Way and Other Easements in Public Lands

§ 4919.

Act March 4, 1921, c. 164, 41 Stat. 1437, authorizes the Secretary of War to grant to the state of Oregon, for the construction, etc., of the Columbia River Highway, a right of way over certain lands acquired and held by the United States in connection with the improvement of the Dalles-Celilo section of the Columbia River.

§ 4920.

Act Feb. 11, 1920, c. 70, 41 Stat. 466, grants to Salt Lake City a right of way over and upon the Fort Douglas Military Reservation for a conduit and pipe line to connect with the water-supply system of the city.

Act March 3, 1921, c 133, 41 Stat. 1354, authorizes the city of New Orleans to extend Dauphine street across the military reservation of Jackson Barracks.

Act March 4, 1921, c. 165, 41 Stat. 1438 grants to the city and county of Honolulu, Territory of Hawaii, a right of way across the Fort De Russy Military Reservation in said Territory for a sewer system

Act June 6, 1922, c. 209, 42 Stat 622, entitled "An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois," provides for the grant of a perpetual easement for railroad purposes to the Chicago, North Shore & Milwaukee Railroad over and upon the Ft. Sheridan military reservation; also for the location of a public highway to connect with the McKinley Road over and upon said reservation.

The Secretary of War is authorized to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia, by Res. Sept. 14, 1922, c. 310, 42 Stat. 843.

§ 4920a. Licenses for removal of sand and gravel from Fort Douglas Military Reservation—The Secretary of War is hereby authorized to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation, Utah, to persons and corporations within said State, to be used for industrial and manufacturing purposes, at such reasonable prices as may be fixed by the Secretary of War (May 5, 1920, c. 167, 41 Stat. 588.)

This section is a resolution entitled a "Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes," cited above

§ 4937a. Right of way to canal and ditch companies for irrigation purposes; additional grants—In addition to the rights of way granted by sections 18, 19, 20, and 21 of the Act of Congress entitled "An Act to repeal timber-culture laws, and for other purposes," approved March 3, 1891 (Twenty-sixth Statutes, page 1095), as amended by the Act of Congress entitled "An act to amend the Irrigation Act of March 3, 1891 (Twenty-sixth Statutes, page 1095, section 18), and to amend section 2 of the Act of May 11, 1898 (Thirtieth Statutes, page 404)," approved March 4, 1917 (Thirty-ninth Statutes, page 1197), and, subject to the conditions and restrictions therein contained, the Secretary of the Interior is authorized to grant permits or easements for not to exceed five acres of ground adjoining the right of way at each of the locations, to be determined by the Secretary of the Interior, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by said Acts Provided, That this Act shall not apply to lands within national forests. (March 1, 1921, c 93, 41 Stat 1194.)

This is an act entitled "An act to amend acts to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," cited above

§ 4939. Reservoir sites for water for live stock—Any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding one hundred and sixty acres, so long as such reservoir is maintained and water kept therein for such purposes: Provided, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: Provided, That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence, erected under the authority hereof shall be immediately removed on the order of the Secretary. (Jan. 13, 1897, c. 11, § 1, 29 Stat. 484, amended, March 3, 1923, c. 219, 42 Stat. 1437.)

This section was amended by Act March 3, 1923, c. 219, 42 Stat. 1437, cited above, by the addition of the last sentence

§ 4957a. Bath houses, hotels, etc., on land near or adjacent to mineral, medicinal, etc., springs on unreserved or withdrawn public lands—The Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bath houses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs:

Provided, That permits or leases hereunder shall be for periods not exceeding twenty years (March 3, 1925, c. 458, 43 Stat. 1133)

This section is an act entitled "An act to authorize the Secretary of the Interior to lease certain lands," cited above

Chapter Ten D—Grants of Swamp and Overflowed Lands

§ 4960.

Act Sept 22, 1922, c 403, 42 Stat 1017, reads as follows: "That all the unsurveyed sections sixteen within the exterior limits of the area patented to the State of Florida April 23, 1903, under the provisions of the Act of September 28, 1850, Ninth Statutes at Large, page 519, embracing the so-called Everglades not mineral in character, and not occupied on May 27, 1922, by bona fide settlers under the homestead law, be, and the same are hereby, reserved, granted and confirmed to the State of Florida for the benefit of public schools as though the official surveys had been extended over such lands"

§ 4969a. Sale of erroneously designated water-covered areas in Arkansas—The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those public lands situated in the State of Arkansas which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws. (Sept. 21, 1922, c. 362, § 1, 42 Stat 992.)

This section, and the four sections next following, are an act entitled "An act granting to certain claimants the preference right to purchase unappropriated public lands in Arkansas," cited above

§ 4969b. Same; preference right to purchase; application; time for and proofs accompanying—Any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this Act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this Act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from the date of the passage of this Act if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant. (Sept. 21, 1922, c. 362, § 2, 42 Stat. 992)

See note to § 4969a. ante..

§ 4969c. Same; appraisal—Upon the filing of an application to purchase any lands subject to the operation of this Act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest. (Sept 21, 1922, c. 362, § 3, 42 Stat. 992.)

See note to § 4969a, ante.

§ 4969d. Same; payment of appraisal price; issue of patent; disposition of proceeds—An applicant who applies to purchase lands under the provisions of this Act, in order to be entitled to receive a patent must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this Act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Sept 21, 1922, c. 362, § 4, 42 Stat. 992)

See note to § 4969a, ante

§ 4969e. Same; rules and regulations—The Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this Act and determining conflicting claims arising hereunder. (Sept 21, 1922, c. 362, § 5, 42 Stat 992)

See note to § 4969a, ante

§ 4969f. Sale of lands in Louisiana; preference rights; application for purchase; appraisal; payment for land—The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public lands laws

That any citizen of the United States who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner has, prior to this Act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this Act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from the date of the passage of this Act if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from official notice to such claimant of the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office.

That upon the filing of an application to purchase any lands subject to the operation of this Act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

That an applicant who applies to purchase lands under the provisions of this Act, in order to be entitled to receive a patent, must within six months from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated, the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this Act.

The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this Act and determining conflicting claims arising hereunder. (Feb. 19, 1925, c. 268, § 1, 43 Stat 951)

This section, and the section next following, are an act entitled "An act granting to certain claimants the preference right to purchase unappropriated public land," cited above.

§ 4969g. Same; reservation of coal, oil, gas, etc., in lands sold—All purchases made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same. (Feb. 19, 1925, c. 268, § 2, 43 Stat 952)

See note to § 4969f, ante.

§ 4969h. Sale of lands in Wisconsin—The Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws (Feb. 27, 1925, c 363, § 1, 43 Stat. 1013)

This section, and the five sections next following, are an act entitled "An act granting to certain claimants the preference right to purchase unappropriated public lands," cited above

§ 4969i. Same; preference rights; application for purchase—Any owner in good faith of land shown by the official public land surveys to be bounded in whole or in part by such erroneously meandered area, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this Act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this Act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within ninety days from the date of the passage of this Act if the lands have been surveyed and plats filed in the United States land office; otherwise within ninety days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws. (Feb. 27, 1925, c. 363, § 2, 43 Stat. 1013.)

See note to § 4969h, ante.

§ 4969j. Same; conflicting claims—In event such erroneously meandered land is bounded by two or more tracts of land held in private ownership with apparent riparian rights indicated by the official township plat of survey at date of disposal of title by the United States, the Commissioner of the General Land Office shall have discretionary power to cause such meandered area, when surveyed, to be divided into such tracts or lots as will permit a fair division of such meandered area among the owners of such surrounding or adjacent tracts under the provisions of this Act. In administering the provisions of this Act, where there shall exist a conflict of claims falling within its operation, if any claimant shall have placed valuable improvements upon the land involved, or shall have reduced the same to cultivation, then to the extent of such improvements or cultivation, such claimant shall be given preference in adjustment of such conflict Provided, That no preference right of entry under this Act shall be recognized for a greater area than one hundred and sixty acres, in one body, to any one applicant, whether an individual, an association, or a corporation. Provided further, That this act shall not be construed as in any manner abridging the existing rights of any settler or entryman under the public land laws. (Feb. 27, 1925, c. 363, § 3, 43 Stat 1013.)

See note to § 4969h, ante.

§ 4969k. Same; appraisal—Upon the filing of an application to purchase any lands subject to the operation of this Act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest. (Feb. 27, 1925, c 363, § 4, 43 Stat. 1013.)

See note to § 4969h, ante

§ 4969l. Same; payment for land—An applicant who applies to purchase lands under the provisions of this Act, in order to be entitled to receive a patent, must within thirty days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraisal price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this Act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Feb. 27, 1925, c. 363, § 5, 43 Stat. 1013)

See note to § 4969h, ante.

§ 4969m. Same; rules and regulations—The Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this Act and determining conflicting claims arising hereunder. (Feb. 27, 1925, c. 363, § 6, 43 Stat. 1014)

See note to § 4969h, ante.

Chapter Ten E—Drainage under State Laws

§ 4970.

Act Feb. 21, 1921, c. 64, 41 Stat 1105, reads as follows: "Section 1 The Red Lake Drainage and Conservancy District of the State of Minnesota, duly created and organized under the laws of said State and authorized to construct improvements and projects therein, is hereby authorized to deepen, widen, and straighten the said Red Lake River and tributaries thereof, or any portion thereof, as may be deemed necessary, and to fix and regulate the height of water in Red Lake, and to construct and maintain such ditches, drains, dams, dikes, spillways, or other controlling works as may be found necessary and advisable to utilize the said Red Lake for reservoir and flood-control purposes, and to facilitate drainage into said lake and river, as indicated and outlined in the report of the Chief of Engineers to the Secretary of War on March 28, 1919 (House Document Numbered 61, Sixty-sixth Congress, first session), with such modifications and changes as may be found advisable: Provided, That detailed plans for such work and improvements shall first be submitted to and approved by the Secretary of War and the Chief of Engineers: Provided further, That the deepening, widening, and straightening of that part of Red Lake River within the Red Lake Indian Reservation and all other work necessary or desirable to be done within

the Red Lake Indian Reservation shall be done in accordance with plans submitted to and approved by the Secretary of the Interior, provided that due compensation shall be made to the Indians for any lands that may be required for straightening said river, and for any other property belonging to the Indians used, injured, or destroyed, in connection with the construction, operation, and maintenance of any of the works provided for herein And provided further, That before the acceptance of the plans the Red Lake Drainage and Conservancy Board and the Secretary of the Interior shall ascertain and agree upon the maximum and minimum levels between which the water in Red Lake shall be permitted to be fluctuated, and such levels shall not be deviated from without the consent of the Secretary of the Interior

"Sec 2 That the Secretary of the Interior is hereby authorized to enter into such contract arrangements as may be found necessary and advisable with the said The Red Lake Drainage and Conservancy District relative to all work within the Red Lake Indian Reservation as contemplated in section 1 of this Act and as to the assessment of lands within the limits of the Red Lake Indian Reservation in said State for their proportionate share of the cost of such improvement and their maintenance and operation The said The Red Lake Drainage and Conservancy District is hereby authorized to include within the boundary of the said drainage and conservancy district all lands within the limits of the said Red Lake Indian Reservation located within the Red Lake River drainage basin, and to assess the lands benefited in the same manner and proportion as other lands outside of the limits of said reservation, but within the said drainage district and benefited by such improvement. Provided, That all such assessments within the limits of said district shall be on a per acre basis against the lands benefited in proportion to the benefits received Provided further, That the maximum cost to any lands within the boundaries of said reservation shall not exceed $2 50 per acre All assessments so levied by said drainage and conservancy district shall be in the manner provided by the laws of said State, except as modified by contract with the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to make such regulations for the payment thereof as may be found necessary or desirable The Secretary of the Interior is hereby authorized to withdraw from the tribal funds on deposit in the Treasury of the United States to the credit of the Indians of the Red Lake Reservation such sums as may be required and as they may be needed to meet the assessments chargeable against the lands within said Indian reservation as provided for herein, and to expend the same in the payment of said assessments as they become due: Provided, however, That all tribal moneys so withdrawn shall be reimbursed to the Red Lake Tribe by the Indian allottees benefited under such rules and regulations as the Secretary of the Interior may prescribe And provided further, That the assessment against the lands within the Red Lake Indian Reservation shall become a first lien on said lands and such lien shall be recited in any trust or fee patent that may be issued thereafter, and any such lien may be enforced by the Secretary of the Interior by foreclosure as a mortgage after fee simple patent is issued: And provided further, That any fund standing to the credit of any Indian allottee, or which may hereafter be placed to his or her credit, may be used in payment of such lien

"Sec 3 That wherever it is deemed necessary or advisable, roads suitable for post roads may be constructed out of the spoil banks or other suitable material along any of the drainage ditches or canals to be constructed hereunder.

"Sec 4. That as to all lands outside of the Red Lake Indian Reservation, the Act entitled 'An Act to authorize the drainage of certain lands in the State of Minnesota,' approved May 20, 1908, shall be applicable to the enforcement and collection of all assessments made for such improvements by said drainage and conservancy district.

"Sec 5 That unless said drainage and conservancy district shall within two years from and after the date of the approval of this Act submit to the Secretary of War and the Secretary of the Interior, respectively, satisfactory detailed plans and agreements covering the works authorized to be constructed hereby, then, and in that event, all rights hereunder shall cease and terminate"

§ 4976a. Lands in Minnesota made subject to state laws for drainage for agricultural purposes; erroneous cash entries validated—That in all cases where Chippewa Indian lands in Minnesota, ceded under the Act of Congress approved January fourteenth, eighteen hundred and eighty-nine (Twenty-fifth Statutes at Large, page six hundred and forty-two), were assessed under the State drainage laws prior to the opening of the lands to entry, where the lands were subsequently opened to entry and were thereafter sold under the said drainage laws, and where cash entries for the lands were subsequently made as though authorized by the Act of Congress approved May twentieth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page one hundred and sixty-nine), such erroneously allowed entries, if otherwise regular, be, and the same are hereby, validated and confirmed. (March 3, 1919, c 113, 40 Stat. 1321.)

This section is an act entitled "An act to validate and confirm certain erroneously allowed entries in the State of Minnesota," cited above

§ 4976b. Lands in Arkansas made subject to state laws relating to drainage districts; rights of United States and persons holding unpatented lands under entries under public land laws; lands included—All of those unentered, unreserved public lands, and all of those entered lands for which no final certificates have been issued, within the areas hereinafter described, are hereby made and declared to be subject to the laws of the State of Arkansas relating to the organization, government, and regulation of drainage districts to the same extent and in the same manner, except as hereinafter provided, in which lands held under private ownership are or may be subject to said laws: Provided, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States shall be accorded all the rights, privileges, and benefits given by said laws to persons holding lands in private ownership, said lands being those public lands in Mississippi County, Arkansas, in townships fourteen, fifteen, and sixteen north, range nine east, and townships fifteen and sixteen north, range ten east, fifth principal meridian, according to the official surveys thereof approved October 12, 1915, and all of those unentered public lands, and all of those entered lands for which no final certificates have been issued in Poinsett County, Arkansas, in townships eleven and twelve north, range six east, fifth principal meridian, according to the official surveys thereof approved July 30, 1913. (Jan. 17, 1920, c. 47, § 1, 41 Stat. 392)

This section, and the 7 sections next following, are an act entitled "An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation," cited above

§ 4976c. Same; canals, ditches, levees, and other drainage works; assessment of cost of—The construction and maintenance of canals, ditches, levees, and other drainage works upon and across the lands subject to the operation of this Act are hereby authorized, subject to the same conditions as are imposed by the laws of the State of Arkansas upon lands held in private ownership, and that the cost of construction and maintenance of canals, ditches, levees, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all unentered public lands, and all lands embraced in unpatented entries affected by such project Officially certified lists showing the amount of charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the United States land office of the district in which the lands affected are situated as soon as said charges would become a lien if the lands were held in private ownership. (Jan. 17, 1920, c. 47, § 2, 41 Stat. 392.)

See note to § 4976b, ante

§ 4976d. Same; lien of assessments; enforcement; sale of lands—All charges legally assessed pursuant to the drainage laws of the State of Arkansas by a drainage district against any unentered public lands, or against any lands embraced in unpatented entries, subject to the provisions of this Act, shall be a lien upon said lands, which may be enforced by sale in the same manner and subject to the same conditions, except as hereinafter set forth,

under which said charges shall be enforced against lands held in private ownership, and whenever any of said lands shall be sold for nonpayment of such charges, inclusive of lands bid in for a drainage district, a statement showing the name of the purchaser, the price at which each legal subdivision was sold, the amount assessed against it, together with penalties and interest, if any, and the cost of the sale, and the amount of excess, if any, over and above all lawful assessment charges and the cost of sale, shall be officially certified to the register and receiver of the United States land office of the district in which the lands are situated immediately after the completion of such sale, but nothing in this Act shall be construed as creating any obligation on the United States to pay any of said charges (Jan. 17, 1920, c. 47, § 3, 41 Stat 393)

See note to § 4976b, ante

§ 4976e. Same; excess of price of lands sold to enforce lien of assessments—All moneys received from the sale of entered or unentered lands subject to the operation of this Act which shall be in excess of assessments due thereon, together with penalties and interest and the cost of the sales, shall be paid by the proper county officer to the receiver of the United States land office of the district in which the lands are situated, and such excess moneys shall be covered into the United States Treasury as proceeds from the sales of public lands. (Jan. 17, 1920, c. 47, § 4, 41 Stat. 393.)

See note to § 4976b, ante.

§ 4976f. Same; patents to purchasers at sale of lands to enforce assessments—At any time within ninety days after the sale of unentered public lands and at any time within ninety days after the expiration of the period of redemption provided for in the drainage laws under which the lands are sold, no redemption having been made, after the sale of lands embraced within unpatented entries, the purchaser at such sale, a drainage district being herein expressly excepted from the operation of this provision, shall, upon the filing of an application therefor and an affidavit containing proof of necessary qualifications with the register and receiver of the United States land office, and upon payment to the receiver of the price of $5 per acre, together with the usual fees and commissions charged in entry of lands under the homestead laws, be entitled to receive a patent. Provided, That such purchaser shall have the qualifications required in making entry of lands under the homestead laws, and any such purchase shall exhaust any further homestead right of the purchaser to the extent of the amount of lands thus purchased by him. Not more than one hundred and sixty acres of such lands shall be sold and patented to any one purchaser under the provisions of this Act This limitation shall not apply to lands subject to the operation of this Act which may be bid in for a drainage district, but no patent shall be issued to a drainage district or to any one bidding in said lands for a drainage district. The proceeds derived by the Government shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Jan. 17, 1920, c. 47, § 5, 41 Stat 393)

See note to § 4976b, ante.

§ 4976g. Same; patents to qualified homestead entrymen on failure of purchasers at sale to enforce assessments to apply for patents—Unless the purchaser shall, within the time specified in section 5 of this Act, file with the register and receiver of the United States land office an application for a patent, together with the required affidavit, and make payment of the purchase price, fees, and commissions as provided in said section 5, any person having the qualifications of an entryman under the homestead laws may file an application for a patent, together with the required affidavit, and upon payment to the receiver of the purchase price of $5 per acre, fees, and commissions, and in addition thereto an amount equal to the drainage charges, penalties, interest, and costs for which the lands were sold, and if the lands were bid in for the drainage district, an additional amount equal to 6 per centum per annum on the sum for which the lands were sold from the date of such sale, said applicant shall become subrogated to the rights of such purchaser and shall be entitled to receive a patent for not more than one hundred and sixty acres of said lands When payment is made to effect subrogation as herein provided the register and receiver of the United States land office shall serve notice upon the purchaser that an application for patent for the lands purchased by him has been filed, and that the amount of the drainage charges, penalties, interests, and costs of the sale will be paid to him upon submission of proof of purchase and payment by him of said sums The receiver shall make such payment as soon as said requirement shall have been fulfilled. If the lands were bid in for a drainage district, the receiver will pay to the proper county officers the amount of the drainage charges, penalties, and interests and costs of sale, together with the additional sum of 6 per centum per annum, to which said drainage district is entitled. All remaining moneys to which the United States may be entitled shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands. (Jan. 17, 1920, c. 47, § 6, 41 Stat 393.)

See note to § 4976b, ante

§ 4976h. Same; copies of notices required by state drainage laws; rights of United States and entrymen—A copy of all notices required by the drainage laws of the State of Arkansas to be given to the owners and occupants of lands held in private ownership shall, as soon as such notice is issued, be delivered to the register and receiver of the United States land office of the district in which the lands are situated where any of the lands subject to the operation of this Act are affected, and the United States and the entryman claiming under the public land laws of the United States shall be accorded the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise, as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of land held in private ownership. (Jan. 17, 1920, c. 47, § 7, 41 Stat. 394.)

See note to § 4976b, ante.

§ 4976i. Same; lands not affected—This Act shall not be effective as to any lands involved in suits instituted on behalf of the United States with a view to quieting title in the Government to such lands until and unless such suits shall be finally determined in favor of the United States. (Jan. 17, 1920, c. 47, § 8, 41 Stat. 394.)

See note to § 4976b, ante.

Chapter Ten F—Protection of Timber and Depredations

§ 4979a. Protection of timber owned by United States from fire, disease, or insect ravages—The Secretary of the Interior is hereby authorized to protect and preserve, from fire, disease, or the ravages of beetles, or other insects, timber owned by the

United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber, and appropriations are hereby authorized to be made for such purposes (Sept. 20, 1922, c. 349, 42 Stat 857.)

This section is an act entitled "An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects," cited above

§ 4992. Cutting timber on certain public lands for certain purposes—In the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico and Arizona, and [the District of] Alaska, and the gold and silver regions of Nevada, California, Oregon, and Washington and [the Territory of] Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, Provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands.

It shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Malheur County, Oregon, to cut timber in the State of Idaho for agricultural, mining, or other domestic purposes. and to remove the timber so cut to Malheur County, State of Oregon.

It shall be lawful for the Secretary of the Interior to grant permits under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Modoc County, California, to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove the timber so cut to Modoc County, State of California.

It shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the Act of March 3, 1891, to citizens of Washington County, and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Arizona, for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah. (March 3, 1891, c. 561, § 8, 26 Stat. 1099, amended, March 3, 1891, c. 559, 26 Stat. 1093, Feb 13, 1893, c. 103, 27 Stat. 444, March 3, 1901, c 855, 31 Stat. 1436, March 3, 1919, c. 111, 40 Stat. 1321, March 3, 1919, c. 115, 40 Stat. 1322, and Feb. 27, 1922, c. 82, 42 Stat. 398.)

This section was again amended by Act March 3, 1919, c 111, 40 Stat. 1321, cited above, by adding thereto the second and third paragraphs. It was again amended by Act Feb 27, 1922, c 82, 42 Stat. 398, also cited above, by adding the fourth paragraph.

§ 4992a. Cutting timber on certain mineral lands; certain acts extended—Section 1 of an Act entitled "An Act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an Act entitled "An Act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an Act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several Acts amendatory thereof, be, and the same are hereby, extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid Acts upon corporations incorporated in the State in which the privilege is to be exercised. Provided, That all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain. (Jan. 11, 1921, c. 22, 41 Stat 1088)

This is an act entitled "An act authorizing the cutting of timber by corporations organized in one state and conducting operations in another," cited above Became a law without signature of President, by lapse of time

Chapter Ten H—Abandoned Military Reservations

§ 5003.

Act July 15, 1921, c 47, 42 Stat 142, provides for the appraisal and sale of the Vashon Island Military Reservation, Washington

Act Aug 24, 1922, c 287, 42 Stat 830, reads as follows: "Subject to the provisions of this Act, the title of all persons who prior to January 1, 1909, purchased from the State of Louisiana any lands formerly included in what was known as the Fort Sabine Military Reservation, in Cameron Parish, in the State of Louisiana, established by Executive order of December 20, 1838, and abandoned March 25, 1871, pursuant to the Act of Congress of February 24, 1871 (Sixteenth Statutes at Large, page 430), shall be confirmed and validated against any claim or interest of the United States: Provided, That satisfactory evidence of such purchase with description of the lands claimed by each applicant, in accordance with the system of United States public-land surveys, be submitted to the Secretary of the Interior within six months from and after the approval of this Act: Provided further, That patents shall issue to such purchasers and shall inure to to the benefit of their heirs, assigns, or devisees, to the same extent and as if such purchasers had secured full title from the State of Louisiana through such purchasers: And provided further, That section thirty-two, in township fifteen south, range fifteen west, Louisiana meridian, used by the United States for lighthouse purposes, shall be excepted from the provisions hereof."

"2 That the lands within the limits of such abandoned military reservation not affected by the foregoing provisions of this Act shall be disposed of under the provisions of the Act approved July 5, 1884 (Twenty-third Statutes at Large, page 103)."

Act Feb 24, 1923, c. 109, 42 Stat 1285, provides for the grant to the city of Boise, Idaho, of the use of a certain described part of the Boise Barracks Military Reservation.

Act April 15, 1924, c. 111, 43 Stat. 99, authorizes the transfer of jurisdiction over a portion of the Fort Keogh Military Reservation, Montana, from the Department of the Interior to the Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith

Act Feb. 21, 1925, c. 279, 43 Stat. 957, grants a right of way to San Juan county, Washington, over the abandoned military reservations on Lopez and Shaw Islands

§ 5012.

Provisions for the sale of lands in the Gig Harbor abandoned military reservation in the state of Washington are made by Act March 3, 1919, c 108, 40 Stat. 1319.

Provisions for the sale of lands in the Fort Randall Military Reservation, in South Dakota, are made by Act April 15, 1920, c. 136, 41 Stat. 550.

Further provisions relating to the opening to settlement of the abandoned Fort Assiniboine Military Reservation are contained in Act Jan. 6, 1921, c. 11, 41 Stat. 1086.

Act March 23, 1922, c. 114, 42 Stat. 469, provides for the

grant to the State of Washington of the military reservation situated on Fidalgo Island, Skagit County, Washington

Chapter Ten I—Ceded Indian Reservations

§ 5013.

Act March 1, 1921, c 91, 41 Stat 1193, reads as follows

"The State of South Dakota, acting through its proper officials, is hereby authorized to select one hundred and sixty acres of unappropriated, unreserved, nonmineral lands within the boundaries of the former Pine Ridge Reservation, South Dakota, or an equal area of public land of like character within the boundaries of the said State, in lieu of the northeast quarter of section sixteen, township thirty-eight north, range forty west, sixth principal meridian, in South Dakota, upon due and proper showing that the lands authorized herein to be surrendered by the State have not been sold or otherwise encumbered by it, and that the selection of such lieu lands by the said State shall be a waiver of its right, title, and claim in and to the one hundred and sixty-acre tract in section sixteen above described Provided, That in case the exchange herein contemplated shall be perfected the lands so surrendered by the State shall be held to be a part of the present Pine Ridge Reservation and subject to the laws enacted for or applicable to the said reservation"

Act May 24, 1924, c 180, 43 Stat 139, reads as follows.

"Any homestead entryman or purchaser of Government lands within the Fort Berthold Indian Reservation in North Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1925 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per centum per annum on the amounts due from the maturity thereof to the said anniversary, and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of three years, as the facts warrant"

Act June 7, 1924, c. 311, 43 Stat 596, reads as follows:

"That the Secretary of the Interior is hereby authorized to sell to settlers or their transferees, under such terms, conditions, and price per acre as the said Secretary may prescribe, any lands in the Pyramid Lake Indian Reservation, in the State of Nevada, that have been settled upon, occupied, and improved by said settlers and their transferees in good faith for a period of twenty-one years or more immediately preceding the passage of this Act. Provided, That no more than six hundred and forty acres shall be sold to any one person or corporation. Provided further, That said sales shall be by private cash entry after it has been shown to the satisfaction of the Secretary of the Interior that the lands applied for have been settled upon, occupied, and improved as required by this Act, and in addition to such price per acre as may be fixed by the Secretary of the Interior all entrymen hereunder shall pay the same fees and commissions as provided by law where public lands are disposed of at $1.25 per acre The proceeds of said sales shall be deposited in the Treasury of the United States and be subject to appropriations by Congress for the Piute Indians of the said Pyramid Lake Indian Reservation

"2. That the Secretary of the Interior is also authorized to have a survey and plat made of the town of Wadsworth, in said Pyramid Lake Indian Reservation, and thereafter sell the unpatented lands embraced in the said town as provided for by section 2384 of the Revised Statutes of the United States, and on compliance with said statute the purchasers of the lots shall acquire title as provided for by the said statute: Provided, That any lands within the limits of said town used for Indian school purposes or for other public use for Indians shall be, and the same are hereby, reserved from said town site, and the Secretary of the Interior, upon payment to him of the sum of $100, is hereby authorized to convey by patent to the board of county commissioners of Washoe County, Nevada, or other proper school officials of the town of Wadsworth, Nevada, the lands now known as lots thirty-eight to forty-seven, inclusive, of block two in said town of Wadsworth, as surveyed in 1898 by T. K Stewart: Provided further, That if there are any Indians residing in said town and in possession of and claiming any lots therein they shall have the same rights of purchase under the said statute as white citizens. The proceeds of the sale of lands in said town shall also be deposited in the Treasury of the United States and be used by the Secretary of the Interior for the Piute Indians of the Pyramid Lake Indian Reservation, and the proceeds derived from the sale of lands under section 1 of this Act are hereby made available for use by the Secretary of the Interior in making such surveys or resurveys within the said town site of Wadsworth as may be necessary to carry out the provisions of this Act

"3 That titles to lands in said Pyramid Lake Indian Reservation acquired by patents heretofore issued by the United States to any railroad company, individual, or the State of Nevada, or by certification to the State of Nevada, are hereby confirmed

"4 All sales in accordance with section 1 of this Act shall be made through the local land office within ninety days after the price of the land shall have been fixed by the Secretary of the Interior Provided, That where entry is not made within the time specified, the United States shall enter upon the premises and take possession thereof for the use and benefit of the Piute Indians of the Pyramid Lake Indian Reservation"

§ 5019.

Provisions for the contesting and cancellation of certain homestead entries in the Kiowa, Comanche, and Apache Reservations, in Oklahoma, are made by Act March 3, 1919, c. 106, 40 Stat 1318

§ 5019a. Patents to school districts for lands in Fort Peck Indian Reservation—That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to School District Numbered eight of Sheridan County, Montana, for block one in Wakea town site in the former Fort Peck Indian Reservation, Montana, upon filing its application therefor, said block to be used and maintained for public-school purposes. (April 1, 1920, c. 120, § 1, 41 Stat. 549.)

This section, and the section next following, are an act entitled "An act authorizing the Secretary of the Interior to issue patent to school district numbered eight, Sheridan county, Montana, for block one, in Wakea town site, Fort Peck Indian reservation, Montana, and to set aside one block in each town site on said reservation for school purposes," cited above.

§ 5019b. Same; Indian children to be received in schools on such lands—The Secretary of the Interior is authorized and directed to set apart for public-school purposes not exceeding one block of unappropriated land in each town site, in the former Fort Peck Indian Reservation, Montana, created under the Act approved May 30, 1908 (Thirty-fifth Statutes, page 558), and to cause patents to be issued therefor to the school districts within such town sites, respectively, upon their filing application therefor, such lots or blocks to be used and maintained for public-school purposes: Provided, That Indian children residing in such school districts shall at all times be received in schools used and maintained for public-school purposes in the town sites covered by this Act on equal terms with white children. (April 1, 1920, c. 120, § 2, 41 Stat. 549)

See note to § 5019a, ante.

Chapter Ten K—Public Lands in Alaska

§ 5046a. Entry on unappropriated public lands—Every person who is qualified under existing laws to make homestead entry of the public lands of the United States who has settled upon or who shall hereafter settle upon any of the public lands of the United States situated in the District of Alaska, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall, subject to the provisions and limitations of the Act approved March third, nineteen hundred and three, chapter one thousand and two, United States Statutes at Large, page one thousand and twenty-eight, be entitled to enter one hundred and sixty acres or a less quantity of unappropriated public land in said District of Alaska, and no more, and a former homestead entry in any other State or Territory shall not be a bar to a homestead entry in Alaska: Provided, That nothing herein contained shall be construed to limit or curtail the area of any homestead claim hereto-

fore lawfully initiated (July 8, 1916, c. 228, § 1. 39 Stat. 352, amended, June 28, 1918, c. 110, 40 Stat. 632)

This section was amended by Act June 28, 1918, c 110, cited above, to read as set forth above. For this section, as originally enacted, see U S Comp St 1918, § 5046a

§ 5046aa. Same; unsurveyed lands—If the system of public surveys has not been extended over the land included in a homestead entry, the entryman may, after due compliance with the terms of the homestead law in the matter of residence, cultivation, and improvement, submit to the register and receiver a showing as to such compliance, duly corroborated by two witnesses, and if such evidence satisfactorily shows that the homesteader is in a position to submit acceptable final proof the surveyor general of the Territory will be so advised and will, not later than the next succeeding surveying season, issue proper instructions for the survey of the land so entered, without expense to the entryman, who may thereafter submit final proof as in similar entries of surveyed lands. So far as practicable, such survey shall follow the general system of public-land surveys, and the entryman shall conform his boundaries thereto: Provided, That nothing herein shall prevent the homesteader from securing earlier action on his entry by a special survey at his own expense, if he so elects. (July 8, 1916, c. 228, § 2, added, June 28, 1918, c. 110, 40 Stat. 633)

This section was added to Act July 8, 1916, c 228, by Act June 28 1918, c. 110, cited above, in place of section 2 of said Act July 8, 1916, c 228, and said section 2 was amended as section 3 by said Act June 28, 1918, c 110. See 5046b, post

§ 5046b. Same; lands excepted—There shall be excepted from homestead settlement and entry under this Act the lands in Annette and Pribilof Islands, the islands leased or occupied for the propagation of foxes, and such other lands as have been, or may be, reserved or withdrawn from settlement or entry (July 8, 1916, c 228, § 3, 39 Stat. 352, amended, June 28, 1918, c 110, 40 Stat. 633.)

See note to § 5046aa, ante.

§ 5046c. Limitation on homestead entries not applicable to agricultural lands—The provisions of the Act of May 14, 1898 (Thirtieth Statutes at Large, page 409), extending the homestead laws to Alaska, and of the Act of March 3, 1903 (Thirty-second Statutes at Large, page 1028), amendatory thereof, in so far as they reserve from sale and entry a space of at least eighty rods in width between tracts sold or entered under the provisions thereof along the shore of any navigable water, and provide that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water, shall not apply to lands classified and listed by the Secretary of Agriculture for entry under the Act of June 11, 1906 (Thirty-fourth Statutes, page 233), and that the Secretary of the Interior may upon application to enter or otherwise in his discretion restore to entry and disposition such reserved spaces and may waive the restriction that no entry shall be allowed extending more than one hundred and sixty rods along the shore of any navigable water as to such lands as he shall determine are not necessary for harborage uses and purposes. (June 5, 1920, c. 265, 41 Stat. 1059)

This section is an act entitled "An act to provide for the abolition of the eighty-rod reserved shore spaces between claims on shore waters in Alaska," cited above. See U S. Comp. St. 1918, §§ 5046, 5162.

§ 5078c. Coal-lands; division of unreserved lands into leasing blocks or tracts; leases; pending claims—The unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of forty acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding two thousand five hundred and sixty acres in any one leasing block or tract, and thereafter, the Secretary shall offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and may award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of twenty-one years who is a citizen of the United States, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or of any State or Territory thereof: Provided, That a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States. And provided further, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this Act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: And provided further, That any person, association, or corporation qualified to become a lessee under this Act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this Act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if in the judgment of the Secretary of the Interior, the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim shall, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment: And provided further, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area in Alaska, the Secretary of the Interior may issue prospecting permits for a term of not to exceed four years, under such rules and regulations and conditions as to development as he may prescribe, to applicants qualified under this Act, for not to exceed two thousand five hundred and sixty acres, and if within the time specified in said permit the permittee shows to the Secretary of the Interior that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or any part of the land in his permit

All claims of existing rights to any of such lands in which final proof has been submitted and which are now pending before the Commissioner of the General Land Office or the Secretary of the Interior for decision shall be adjudicated within one year from the passage of this Act. (Oct. 20, 1914, c. 330, § 3, 38 Stat. 742, amended, March 4, 1921, c. 152, 41 Stat. 1363.)

This section was amended by Act March 4, 1921, c 152, 41 Stat 1363 cited above, by adding thereto the last proviso as set forth above.

§ 5078s. Homestead entries on lands containing workable coal, oil, or gas deposits; reservation of coal, oil, or gas thereon—From and after the passage of this Act homestead claims may be initiated by actual settlers on public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any

settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this Act: Provided, however, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this Act. (March 8, 1922, c 96, § 1, 42 Stat 415)

This section, and the section next following are an act entitled "An act to provide for agricultural entries on coal lands in Alaska," cited above

§ 5078t. Same; patents; reservation of coal, oil, or gas; entry on lands for purpose of removing coal, oil, or gas—Upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this Act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions of this Act, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: And provided further, That nothing herein contained shall be held or construed to authorize the entry or disposition, under section 2306, United States Revised Statutes, or under Acts amendatory thereof or supplemental thereto, of withdrawn or classified coal, oil, or gas lands or of lands valuable for coal, oil, or gas. (March 8, 1922, c. 96, § 2, 42 Stat. 416.)

See note to § 5078s, ante.

§ 5093a. Export of birch timber—Hereafter birch timber may be exported from Alaska. (June 5, 1920, c. 235, § 1, 41 Stat. 917.)

From the sundry civil appropriation act, cited above.

Chapter Eleven—Miscellaneous Provisions Relating to the Public Lands

DISPOSITION OF SUSPENDED ENTRIES AND CLAIMS; INVALID AND DEFECTIVE CLAIMS AND PATENTS THEREFOR

§ 5106. "Suspended entries of public lands" and "suspended pre-emption land claims"—The Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same. (R. S. § 2450, amended, Feb 27, 1877, c. 69, § 1, 19 Stat. 244, and Sept. 20, 1922, c. 350, 42 Stat 857)

This section was again amended by Act Sept 20, 1922, c. 350, cited above, by striking out, after the words "by the Secretary of the Interior," the words "the Attorney-General, and the Commissioner, conjointly"

§ 5107. Same; adjudications; approval—Every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants. (R. S. § 2451, amended, Feb. 27, 1877, c 69, § 1, 19 Stat. 244, and Sept. 20, 1922, c 350, 42 Stat 858.)

This section was again amended by Act Sept 20, 1922, c 350, cited above, by striking out, after the words "the Secretary of the Interior," the words "and the Attorney-General, acting as a board"

§ 5108. [Repealed.]

This section, which was R S. § 2453, was repealed by act Sept 20, 1922, c 350, 42 Stat. 857.

§ 5109. [Repealed.]

This section, which was R. S. § 2454, was repealed by act Sept. 20, 1922, c 350, 42 Stat. 857

§ 5110a. Sale of isolated tracts in Minnesota—The provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of March twenty-eighth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page seventy-seven), relating to the sale of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to ceded Chippewa Indian lands in the State of Minnesota: Provided, That the provisions of this Act shall not apply to lands which are not subject to homestead entry: Provided further, That purchasers of land under this Act must pay for the lands not less than the price fixed in the law opening the lands to homestead entry. (Feb. 4, 1919, c. 13, 40 Stat. 1055.)

This section is an act entitled "An act for the sale of isolated tracts of the public domain in Minnesota," cited above.

For R S. § 2455, referred to in this section, see U. S. Comp St. 1918, § 5110.

§ 5110b. Sale of isolated tracts in former Fort Berthold Indian Reservation—That the provisions of section 2455 of the Revised Statutes of the United States as amended by the Act of March 28, 1912 (Thirty-seventh Statutes at Large, page 77), relating to the sale at public auction of isolated tracts of the public domain, be, and the same are hereby, extended and made applicable to lands within the portion of the Fort Berthold Indian Reservation, North Dakota, opened under the Act of June 1, 1910 (Thirty-sixth Statutes at Large, page 455): Provided, That the provisions of this Act shall not apply to lands which are not subject to homestead entry: Provided further, That purchasers of land under this Act shall pay for the lands not less than the price fixed in the

law opening such lands to homestead entry. (May 10, 1920, c. 178, 41 Stat 595)

This section is an act entitled "An act for the sale of isolated tracts in the former Fort Berthold Indian Reservation, North Dakota," cited above
For R. S § 2455, referred to in this section, see U. S. Comp St 1918, § 5110

§ 5110c. Sale of isolated tracts formerly in Oregon and California railroad grants—That the provisions of section 2455, Revised Statutes, be, and the same are hereby, extended to class three of the lands formerly embraced by what are known as the Oregon and California railroad grants, title to which was revested in the United States under the provisions of the Act approved June 9, 1916 (Thirty-ninth Statutes at Large, page 218): Provided, That no sales hereunder shall be made for less than $2 50 per acre, and the appraised value of the timber on the land, nor until such lands shall have been subject to homestead entry for a period of two years Provided further, That the proceeds of such sales shall be applied in the manner prescribed in said Act of June 9, 1916 (Thirty-ninth Statutes at Large, page 218). (May 25, 1920, c 200, 41 Stat 623)

This section is an act entitled "An act to authorize the Secretary of the Interior to dispose of at public sale certain isolated and fractional tracts of lands formerly embraced in the grant to the Oregon and California Railroad Company," cited above
See note to § 5110b, ante

§ 5110d. Sale of isolated tracts in abandoned Fort Buford Military Reservation—The provisions of section 2455, Revised Statutes of the United States, be, and the same are hereby, extended to all nonmineral lands within the abandoned Fort Buford Military Reservation in the States of North Dakota and Montana, which were restored to disposal under the homestead, town site, and desert land laws under the provisions of the Act of May 19, 1900 (Thirty-first Statutes at Large, page 180). (Aug. 11, 1921, c. 62, 42 Stat. 159.)

This section is an act entitled "An act to extend the provisions of section 2455, Revised Statutes, to the lands within the abandoned Fort Buford Military Reservation in the states of North Dakota and Montana," cited above

§ 5111. Patents surrendered and new ones issued—Where patents have been already issued on entries which are approved by the Secretary of the Interior, the Commissioner of the General Land Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns. (R. S § 2456, amended, Sept. 20, 1922, c. 350, 42 Stat. 858.)

This section was amended by Act Sept 20, 1922, c. 350, cited above, by striking out, after the words "entries which are," the words "confirmed by the officers who are constituted the board of adjudication," and substituting therefor the words "approved by the Secretary of the Interior."

TITLE XXXII A—THE NATIONAL FORESTS

§ 5127a. Sale of timber without advertisement—The Act of June 6, 1900 (Thirty-first Statutes, page 661), is hereby amended to enable the Secretary of Agriculture, in his discretion, to sell, without advertisement, in quantities to suit applicants, at a fair appraisement, timber, cordwood, and other forest products not exceeding $500 in appraised value. (March 3, 1925, c. 457, § 3, 43 Stat. 1132)

This section is section 3 of an act entitled "An act to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation," cited above.

§ 5134a. Exchange of lands in National forests with persons who have relinquished lands as basis for lieu selection; procedure; relinquishment of original lands to such persons—Where any person or persons in good faith relinquished to the United States lands in a national forest as a basis for a lieu selection under the Act of June 4, 1897 (Thirtieth Statutes at Large, pages 11, 36), and failed to get their lieu selections of record prior to the passage of the Act of March 3, 1905 (Thirty-third Statutes at Large, page 1264), or whose lieu selections, though duly filed, are finally rejected, the Secretary of the Interior, with the approval of the Secretary of Agriculture, upon application of such person or persons, their heirs or assigns, is authorized to accept title to such of the base lands as are desirable for national-forest purposes, which lands shall thereupon become parts of the nearest national forest, and, in exchange therefor, may issue patent for not to exceed an equal value of national-forest land, unoccupied, surveyed, and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State. Where an exchange cannot be agreed upon the Commissioner of the General Land Office is hereby authorized to relinquish and quit claim to such person or persons, their heirs or assigns, all title to such lands which the respective relinquishments of such person or persons may have vested in the United States. Provided, That such person or persons, their heirs or assigns, shall, within five years after the date of this Act, make satisfactory proof of the relinquishment of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands showing relinquishment of the same to the United States, which abstract or abstracts shall be retained in the files of the General Land Office. (Sept 22, 1922, c. 404, § 1, 42 Stat. 1017)

This section, and the section next following, are an act entitled "An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States," cited above

§ 5134b. Same; selection of other lands in lieu of lands relinquished—If it shall appear that any of the lands relinquished to the United States for the purpose stated in the preceding section have been disposed of or appropriated to a public use, other than the general purposes for which the forest reserve within the bounds of which they are situate was created, such lands shall not be relinquished and quitclaimed as provided therein, unless the head of the department having jurisdiction over the lands shall consent to such relinquishment; and if he shall fail to so consent, or if any of the lands so relinquished have been otherwise disposed of by the United States, other surveyed, nonmineral, unoccupied, unreserved public lands of approximately equal area and value may be selected and patented in lieu of the lands so appropriated or disposed of in the manner and subject to the terms and conditions prescribed by said Act of June 4, 1897, and the regulations issued thereunder: Provided, That applications to make such lieu selections must be filed in the General Land Office within three years after the date of this Act. (Sept. 22, 1922, c. 404, § 2, 42 Stat. 1017.)

See note to § 5134a, ante

§ 5134c. Exchange of lands in National Forests; cutting timber in National Forests in exchange for lands therein—That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secre-

tary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture Provided, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (March 20, 1922, c. 105, § 1, 42 Stat. 465.)

This is an act entitled "An act to consolidate national forest lands," cited above

§ 5134d. Exchange of lands in National Forests; reservations of timber, minerals, or easements—Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (March 20, 1922, c 105, § 2, added, Feb. 28, 1925, c. 375, 43 Stat. 1090.)

This section was added to Act March 20, 1922, c. 105, as section 2 thereof, by Act Feb. 28, 1925, c. 375, cited above.

§ 5135.

Certain lands within the grant by the United States to the Oregon and California Railroad Company, revested in the United States pursuant to a decree of the Supreme Court of the United States and Act June 9, 1916, c. 137, 39 Stat. 218, are reserved and set aside as a part of the Oregon National Forest, by Act Oct. 21, 1918, c. 192, 40 Stat. 1015.

Lands within certain described boundaries may, with the approval of the Secretary of the Interior, be made a part of the Wyoming National Forest by proclamation of the President, by Act Feb. 25, 1919, c. 20, 40 Stat. 1152

The Secretary of the Interior is authorized to accept from certain named persons certain described lands and to give in exchange therefor patents to other certain described lands, said lands so received to become a part of the Cache National Forest, subject to all laws and regulations applicable to said forest, by Act Feb. 28, 1919, c. 73, 40 Stat. 1204, and by Act Feb. 28, 1919, c. 77, 40 Stat. 1209.

Lands within certain described boundaries may be included within the Modoc National Forest of California by proclamation of the President, by Act March 3, 1919, c. 102, 40 Stat. 1316.

Certain described lands are included within the Minam National Forest, Oregon, by Act March 3, 1919, c 107, 40 Stat 1319.

By Act Oct 29, 1919, c 88, 41 Stat 324, it is provided as follows —"That, subject to the approval of the Secretary of the Interior, all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests, that part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest, and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest"

Act Feb 11, 1920, c 57, 41 Stat 404, adds certain described lands to the Ochoco National Forest, Oregon Act Feb 11, 1920, c 69, 41 Stat 405, adds certain described lands to the Oregon, Siuslaw, and Crater National Forests Section 2 of this act provides as follows "When the Secretary of Agriculture finds that merchantable timber may be cut from the above-described lands without detriment to the purity of or depletion of the water supply, said Secretary is hereby authorized to dispose of such merchantable timber on the lands added to said national forests by section 1 hereof in accordance with the regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any sale there shall be deposited in the Treasury of the United States in a special fund designated as 'The Oregon and California land-grant fund,' referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated Provided, That in the event any of said lands are eliminated from said forests as not necessary for the purposes for which this reservation is made they shall be disposed of in the manner provided for by said Act of June 9, 1916"

The boundaries of the Oregon National Forest are enlarged by Act May 20, 1920, c 191, 41 Stat 605

The Secretary of the Interior is authorized to accept for the United States lands within the Sierra National Forest, California, and to exchange therefor National forest land or timber within the National forests of California, with a provision that timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, etc, by Act June 5, 1920, c 212, 41 Stat 980

Act June 30, 1906, c 3926, 34 Stat 801, being an act authorizing the sale to the city of Los Angeles, California, a right of way in certain public lands in California, and in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, is amended by Act June 5, 1920, c 216, 41 Stat. 983

The addition of certain described land to the Caribou National Forest is authorized by Act June 5, 1920, c. 262, 41 Stat 1056.

The exchange of lands within the Montezuma National Forest in Colorado is authorized by Act Feb 27, 1921, c. 79, 41 Stat 1148, and within the Carson National Forest by Act March 4, 1921, c. 154, 41 Stat. 1364, and within the Rainier National Forest by Act March 4, 1921, c 159, 41 Stat 1366

Certain lands found to be valuable for timber and the protection of stream flow are authorized to be added to the Weiser National Forest by Act March 1, 1921, c 92, 41 Stat 1194, and to the Nez Perce National Forest by Act March 1, 1921, c 96, 41 Stat 1196 and to the Targhee National Forest by Act March 1, 1921, c. 98, 41 Stat 1198, and to the Lemhi National Forest by Act March 1, 1921, c. 101, 41 Stat 1199.

Certain specified lands on the North Fork of the Shoshone River are added to the Shoshone National Forest by Act Dec. 20, 1921, c. 10, 42 Stat. 350

The exchange of lands within the Rainier National Forest is authorized by Act Dec. 20, 1921, c 11, 42 Stat 350

Certain specified lands are authorized to be added to the Minidoka National Forest by Act Jan. 11, 1922, c. 24, 42 Stat 355

The exchange of lands in the Deschutes National Forest is authorized by Act Feb. 2, 1922, c. 46, 42 Stat 362.

The exchange of lands within the Malheur National Forest is authorized by Act March 8, 1922, c. 97, 42 Stat. 416.

The exchange of lands in the Tahoe National Forest is authorized by Act April 11, 1922, c. 129, 42 Stat 493

A municipal park for Butte, Mont., within the Deerlodge National Forest is authorized by Act April 28, 1922, c. 152, 42 Stat. 501

The exchange of lands within the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, in the state of Washington, is authorized by Act Sept 22, 1922, c 424, 42 Stat. 1036.

Certain described lands are added to the Siskiyou National Forest in Oregon by Act Sept. 22, 1922, c. 407, § 1, 42 Stat 1019.

Res. Feb. 13, 1923, c 73, 42 Stat. 1244, authorizes the acceptance of title to certain described lands within the Shasta National Forest, California.

Act Feb 14, 1923, c. 75, 42 Stat. 1245, authorizes the ac-

quisition by the United States of certain privately owned lands in the Lincoln National Forest, New Mexico, in exchange for other lands on the public domain in New Mexico

Act May 29, 1924, c 206, 43 Stat 242, provides for a recreational area in the Crook National Forest, Arizona

Act June 2, 1924, c 280, 43 Stat 252, authorizes the transfer of certain lands from the Rocky Mountain National Park to the Colorado National Forest

Act June 3, 1924, c 238, 43 Stat 356, authorizes the addition of certain lands to the Plumas and the Larsen National Forests in California

Act June 7, 1924, c 307, 43 Stat 594, authorizes the addition of certain lands to the Medicine Bow National Forest in Wyoming

Act June 7, 1924, c 333, 43 Stat 643, authorizes the United States to acquire certain lands in Rio Arriba and Taos counties, New Mexico, known as the Las Trampas grant, by exchanging therefor timber within the exterior boundaries of any national forest in New Mexico

The Secretary of the Interior is authorized to accept privately owned lands in the Santa Barbara grant, in Taos County, New Mexico, where such lands are chiefly valuable for national forest purposes, and the Secretary of Agriculture may authorize the grantors of such lands to cut and remove an equal value of timber within the national forests in the same state, the lands so received to become a part of the Carson National Forest, by Act Jan 12, 1925, c 74, 43 Stat 739.

Act Feb 20, 1925, c 272, 43 Stat 952, authorizes the inclusion of certain lands in the Plumas National Forest, El Dorado National Forest, Stanislaus National Forest, Shasta National Forest, and Tahoe National Forest

Certain described lands within the Snoqualmie National Forest are consolidated by Act Feb 28, 1925, c 369, 43 Stat 1074

Act Feb 28, 1925, c. 372, 43 Stat. 1079, authorizes the addition of certain lands to the Mount Hood National Forest

Act Feb 28, 1925, c 373, 43 Stat 1080, authorizes the addition of certain lands to the Santiam National Forest

Act March 3, 1925, c 440, 43 Stat 1117, provides that lands of the United States within the Custer National Forest, which have been withdrawn or classified as coal lands, or are valuable for coal, may be exchanged under the provision of Act March 20, 1922, c 105, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same.

Act March 3, 1925, c 471, 43 Stat 1214, authorizes the creation of a national memorial in the Harney National Forest

Act March 4, 1925, c 538, 43 Stat. 1279, authorizes the addition of certain lands to the Umatilla, Wallowa, and Whitman National Forests.

Act March 4, 1925, c. 541, 43 Stat. 1282, also authorizes the addition of certain lands to the Whitman National Forest

§ 5135a. Cutting timber on land added to Siskiyou National Forest—The Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in section 10 of the Act of Congress approved June 9, 1916 (Thirty-ninth Statutes, page 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said Act. (Sept. 22, 1922, c. 407, § 2, 42 Stat. 1019.)

This section is section 2 of an act entitled "An act to add certain lands to the Siskiyou National Forest in Oregon," cited above Section 1 of said act adds certain described lands to said forest.

§ 5138. Export of timber and other products—The Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated. * * (May 11, 1922, c. 185, 42 Stat. 519. Feb. 26, 1923, c. 119, 42 Stat 1302. June 5, 1924, c. 266, 43 Stat. 448. Feb. 10, 1925, c. 200, 43 Stat. 834.)

From the Agriculture Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 5138a(1). Earth, stone, and timber from national forests for river and harbor work—The Secretary of Agriculture is authorized to permit the War Department to take earth, stone, and timber from the national forests for use in the construction of river and harbor and other works in charge of that department, subject to such regulations and restrictions as he may prescribe. (March 3, 1925, c 467, § 13, 43 Stat. 1197.)

This section is section 13 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above

§ 5138aa. Nebraska National Forest; trees from for homestead settlers—From the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An Act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904. * * (May 11, 1922, c 185, 42 Stat. 520. Feb. 26, 1923, c 119, 42 Stat 1304 June 5, 1924, c. 266, 43 Stat. 445 Feb. 10, 1925, c 200. 43 Stat. 835.)

From the Agriculture Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 5140.

Act Feb 24, 1925, c. 304, 43 Stat 969, reads as follows "The Secretary of Agriculture is hereby authorized, in his discretion, upon application by the board of supervisors of Los Angeles County, California, to designate and segregate, for recreation development, not to exceed 5,000 acres within the Angeles National Forest, California, which, in his opinion, are available for such purposes, and to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established Such permit or permits shall remain in full force and effect as long as the county complies with the conditions therein and maintains the areas so designated as free public camp grounds. Lands so designated and segregated under the provisions of this Act shall not be subject to the mining laws of the United States"

§ 5141a.

The Secretary of the Interior is authorized to sell and convey to the Oregon Short Line Railroad Company for hotel and other purposes certain described lands in Gallatin county, Montana, within the boundaries of the Madison National Forest, any hotels erected on said lands to be operated under rules and regulations to be prescribed by the Secretary of the Interior, by Act Jan. 25, 1919, c 19, 40 Stat. 1152.

§ 5149.

Res. Nov 17, 1921, c. 125, 42 Stat. 220, reads as follows: "For the purpose of apportioning the 25 per centum of the accrued receipts from national forests during the fiscal year ending June 30, 1921, which are due and payable to the States under the Act of May 23, 1908, and the 10 per centum of said receipts which may be expended by the Secretary of Agriculture under the Act of March 4, 1913 (Thirty-seventh Statutes, page 828), for the construction and maintenance of roads and trails within the national forests, all moneys which are received by the Secretary of Agriculture prior to December 31, 1921, as deferred grazing fees authorized to be so paid under the Act of March 3, 1921 (Public Numbered 367, page 18), shall be considered as receipts of the fiscal year 1921"

For Act March 4, 1913, c. 145, § 1, 37 Stat. 843, referred to in the above resolution, see U. S Comp. St. 1918, § 5150 See, also, post, § 5187c, note.

§ 5150.

See ante, § 5149, note.

§ 5150aa. Appropriations for roads and trails—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of $3,000,000, for the fiscal year ending June 30, 1920, the sum of $3,000,000, and for the fiscal year ending June 30, 1921, the sum of $3,000,000, available until expended by the Secretary of Agriculture in cooperation with the proper officials of the State, Territory, insular pos-

session, or county, in the survey, construction, and maintenance of roads and trails within or partly within the national forests, when necessary for the use and development of resources of the same or desirable for the proper administration, protection, and improvement of any such forest Out of the sums so appropriated the Secretary of Agriculture may, without the cooperation of such officials, survey, construct, and maintain any road or trail within a national forest which he finds necessary for the proper administration, protection, and improvement of such forest, or which in his opinion is of national importance. In the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines

The Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder. (Feb 28, 1919, c 69, § 8, 40 Stat. 1201.)

This section is § 8 of the postal service appropriation act for the fiscal year 1920, cited above. Section 9 of said act provides that no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of the act except by his own consent See post, § 7477 Said section 9 also requires the Secretary of Agriculture to report to Congress as to work on roads by soldiers, sailors, or marines See post, § 7477m Said section 9 also requires that the pay of soldiers, sailors, or marines working on roads shall be equalized with the pay of civilian employés in the same or like employment. See post, § 7477n

The Agriculture Department appropriation act for the year 1926, Act Feb 10, 1925, c 200, 43 Stat. 852, contains the following provisions, accompanying appropriations for forests, roads, and trails "The appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the Act of July 11, 1916, and of section 23 of the Federal Highway Act of November 9, 1921, and Acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory. Provided further, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment "

Said act also contains the following provision, accompanying an appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements for the administration, protection, and development of national forests "Provided, That where, in the opinion of the Secretary of Agriculture, direct purchase will be more economical than construction, telephone lines, cabins, fences, and other improvements may be purchased * * "

§ 5150b. Appropriations for Forest Service; use for transportation or traveling expenses—Hereafter no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law. * * (May 11, 1922, c 185, 42 Stat 521)

From the Agriculture Department appropriation act for the year 1923, cited above The same provision, without the word "hereafter," is contained in prior acts.

§ 5150c. Same; use for preparation or publication of newspaper or magazine articles—Hereafter no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public. * * (May 11, 1922, c. 185, 42 Stat. 521.)

From the Agriculture Department appropriation act for the year 1923, cited above. The same provision, without the word "hereafter," is contained in prior acts

§ 5150d. Subsistence to and personal equipment and supplies for employees of Forest Service—The Secretary of Agriculture is hereby authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees (March 3, 1925, c. 457, § 4, 43 Stat. 1133)

This section, and the section next following, are sections four and six of an act entitled "An act to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation," cited above.

§ 5150e. Medical attendance for employees of Forest Service—The Secretary of Agriculture is hereby authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial (March 3, 1925, c. 457, § 6, 43 Stat. 1133.)

See note to § 5150d, ante.

§ 5151a. Timber for war purposes—Hereafter during the existing state of war, the Secretary of Agriculture is authorized, under regulations to be prescribed by him, to permit the War Department, or any other Department, Board, or Commission, of the Government, to take from the national forests such timber as may be needed in the prosecution of the war, and the Secretaries of the Departments, Boards, or the Commissions which may obtain such timber, are severally authorized to sell, or otherwise dispose of, any timber necessarily cut in carrying out the provisions of this paragraph and any materials manufactured therefrom which are not necessary for war purposes (Oct. 1, 1918, c. 178, 40 Stat 990)

From the agricultural appropriation act for the year 1919, cited above

§ 5159.

Certain parts of the Grand Canyon National Game Preserve, established under authority of this section, are included in the Grand Canyon National Park and excluded from said Preserve, by Act Feb 26, 1919, c 44, § 9, post, § 5249zz.

§ 5179a. Examination, location and recommendation for purchase of forested, cut-over or denuded lands and report by Secretary of Agriculture—Section 6 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon. (June 7, 1924, c. 348, § 6, 43 Stat. 654.)

This section is § 6 of an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," cited above The section amended by this section is section 6 of Act March 1, 1911, c 186, 36 Stat 962.

§ 5180. Purchase of lands approved by Commission; consent of State; exchange of lands; cutting and removing timber—The Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been

approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission Provided, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams Provided further, That with the approval of the National Forest Reservation Commission as provided by sections 6 and 7 of this Act, and when the public interests will be benefited thereby, the Secretary of Agriculture be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the exterior boundaries of national forests acquired under this Act which, in his opinion, are chiefly valuable for the purposes of this Act, and in exchange therefor to convey by deed not to exceed an equal value of such national forest land in the same State, or he may authorize the grantor to cut and remove an equal value of timber within such national forests in the same State, the values in each case to be determined by him And provided further, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to such national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands so accepted by the Secretary of Agriculture shall, upon acceptance, become parts of the national forests within whose exterior boundaries they are located, and be subject to all the provisions of this Act. (March 1, 1911, c. 186, § 7, 36 Stat 962, amended, March 3, 1925, c. 473, 43 Stat 1215.)

This section was amended by Act March 3, 1925, c 473, cited above, by adding thereto all of the section as set forth above, beginning with the words "Provided further"

§ 5187c. Time for paying grazing fees extended—The time for making payments of grazing fees for the use of national forests as provided by existing law is extended from the 1st day of September, 1921, to the 1st day of December, 1921 (Aug 24, 1921, c. 82, 42 Stat. 186)

This section is an act entitled "An act to extend the time for payment of grazing fees for the use of national forests during the calendar year 1921," cited above.

The grazing fees payable under existing law for the use of national forests during the calendar year 1921 may be paid on the 1st day of September, 1921, and in the event such payment is not made on or before such deferred date, penalties shall be thereafter imposed in accordance with the provisions of existing law, by a provision of Act March 3, 1921, c 127, § 1, 41 Stat. 1330. See, also, ante § 5149, notes

Res March 3, 1925, c 488, 43 Stat. 1259, authorizes the Secretary of Agriculture to waive any part of or all requirements in respect of grazing fees for the use of National Forests in drought-stricken regions during the calendar year 1925, or any part of such year.

FOREST PROTECTION

§ 5187½. Cooperation by Secretary of Agriculture with state officials as to recommendations of systems of forest fire prevention and suppression—The Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable thereto. (June 7, 1924, c 348, § 1, 43 Stat 653)

This section, and the seven sections next following, are §§ 1-5, 7-9 of an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," cited above.

§ 5187½a. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States—If the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire In no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State under State supervision and for which in all cases the State renders satisfactory accounting In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest producing lands, or watersheds from which water is secured for domestic use or irrigation, within the cooperating States. (June 7, 1924, c 348, § 2, 43 Stat 653, amended, March 3, 1925, c. 447, 43 Stat 1127)

This section was amended by Act March 3, 1925, c. 447, 43 Stat 1127, cited above, by adding, after the words "forest-producing lands," the words "or watersheds from which water is secured for domestic use or irrigation" See note to § 5187½, ante.

§ 5187½b. Expenditure by Secretary of Agriculture for study of effects of tax laws, etc., upon forest perpetuation, etc.; appropriation—The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire and other causes There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $2,500,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act. (June 7, 1924, c. 348, § 3, 43 Stat. 653.)

See note to § 5187½, ante.

§ 5187½c. Cooperation by Secretary of Agriculture with States in procuring, etc., forest-tree seeds and plants; limitation on expenditure; appropriation—The Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing wind breaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that

forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon Provided, That the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $100,000, to enable the Secretary of Agriculture to carry out the provisions of this section (June 7, 1924, c. 348, § 4, 43 Stat. 654.)

See note to § 5187½, ante

§ 5187½d. Cooperation by Secretary of Agriculture with States in establishing, etc., woodlots, shelter belts, windbreaks, etc.; limitation on expenditure; appropriation—The Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing woodlots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops: Provided, That, except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $100,000 to enable the Secretary of Agriculture to carry out the provisions of this section. (June 7, 1924, c. 348, § 5, 43 Stat 654.)

See note to § 5187½, ante.

§ 5187½e. Donations to United States of lands for timber purposes—To enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title: Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: Provided, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located (June 7, 1924, c. 348, § 7, 43 Stat 654)

See note to § 5187½, ante

§ 5187½f. Ascertainment by Secretary of Agriculture of public lands valuable for stream-flow protection and report thereof—The Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States. (June 7, 1924, c. 348, § 8, 43 Stat 655)

See note to § 5187½, ante.

§ 5187½g. Establishment of National forests by President—The President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations, and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the Department for which the lands were formerly reserved Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available for expenditure on the national forests created under this section All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner, as the receipts from other national forests as provided by existing law. Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than one year, or both. (June 7, 1924, c. 348, § 9, 43 Stat. 655)

See note to § 5187½, ante

§ 5187½h. Special fund for payment of expenses of reforestation, administration or protection of forests by Forest Service, and for refunds to contributors—All moneys received as contributions towards reforestation or for the administration or protection of lands within or near the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby authorized to be appropriated for the payment of the expenses of said reforestation, administration, or protection by the Forest Service, and for refunds to the

contributors of amounts heretofore or hereafter paid in by or for them in excess of their share of the cost, but the United States shall not be liable for any damage incident to cooperation hereunder. (March 3, 1925, c. 457, § 1, 43 Stat. 1132.)

This section, and the two sections next following, are sections 1, 2, and 5 of an act entitled "An act to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation," cited above. Section 3 of said act is set forth ante as § 5127a, section 4 as § 5150d, and section 6 as § 5150e.

§ 5187½i. Buildings for national forest purposes; construction, etc.—In addition to buildings costing not to exceed $1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national forest purposes at not to exceed $2,500 each, and three at not to exceed $2,000 each: Provided, That the cost of a water supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of $2,000 each, and no such water supply and sanitary system shall cost in excess of $500. (March 3, 1925, c. 457, § 2, 43 Stat. 1132.)

See note to § 5187½h, ante.

§ 5187½j. Forest headquarters and ranger stations—Where no suitable Government land is available for national forest headquarters or ranger stations, the Secretary of Agriculture is hereby authorized to purchase such lands out of any funds appropriated for building improvements on the national forests, but not more than $2,500 shall be so expended in any one year; and to accept donations of land for any national forest purpose. (March 3, 1925, c. 457, § 5, 43 Stat. 1133.)

See note to § 5187½h, ante.

§ 5187½k. Forest experiment station in California—In order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county, and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary. (March 3, 1925, c. 424, § 1, 43 Stat. 1108.)

This section is section 1 of an act entitled "An act to authorize the establishment and maintenance of a forest experiment station in California and the surrounding states," cited above. Section 2 of said act makes an appropriation of $50,000 to carry out the purposes of the act.

TITLE XXXII B—THE NATIONAL PARKS, RESERVATIONS, [GAME, BIRD AND FISH REFUGES OR SANCTUARIES], AND MONUMENTS

§ 5196.
For salary of Commissioner of Yellowstone National Park, see ante, § 1451a.

§ 5201. Yellowstone Park; road extensions—Hereafter road extensions and improvements shall be made in said park under and in harmony with the general plan of roads and improvements to be approved by the Secretary of the Interior. (July 1, 1918, c. 113, § 1, 40 Stat. 678.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1919, cited above. It supersedes a similar provision of Act June 6, 1900, c. 791, § 1, 31 Stat. 625.

§ 5206a. Yellowstone National Park; disposition of surplus elk, buffalo, bear, beaver, and predatory animals—Hereafter the Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to give surplus elk, buffalo, bear, beaver, and predatory animals inhabiting Yellowstone National Park to Federal, State, county, and municipal authorities for preserves, zoos, zoological gardens, and parks: Provided, That the said Secretary may sell or otherwise dispose of the surplus buffalo of the Yellowstone National Park herd, and all moneys received from the sale of any such surplus buffalo shall be deposited in the Treasury of the United States as miscellaneous receipts. (Jan. 24, 1923, c. 42, 42 Stat. 1214.)

From the Interior Department appropriation act for the year 1924, cited above.

§ 5207a. Yosemite, Sequoia, and General Grant National Parks; cession by California accepted; exclusive jurisdiction of United States; jurisdiction remaining in and taxation by California—The provisions of the act of the Legislature of the State of California (approved April 15, 1919) ceding to the United States exclusive jurisdiction over the territory embraced and included within the Yosemite National Park, Sequoia [,] National Park, and General Grant National Park, respectively, are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State of California the right to serve civil or criminal process within the limits of the aforesaid parks or either of them in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said parks; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said parks, and the right to fix and collect license fees for fishing in said parks, and saving also to the persons residing in any of said parks now or hereafter the right to vote at all elections held within the county or counties in which said parks are situated. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

This section, and the seventeen sections next following, and §§ 5208aa-5208d, 5209a, 5216a-5216c, post, are an act entitled "An act to accept the cession by the state of California of exclusive jurisdiction of the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes," cited above.

§ 5207b. Same; laws applicable—All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said parks or either of them. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

See note to § 5207a, ante.

§ 5207c. Same; fugitives from justice—All fugitives from justice taking refuge in said parks, or either of them, shall be subject to the same laws as refugees from justice found in the State of California. (June 2, 1920, c. 218, § 1, 41 Stat. 731.)

See note to § 5207a, ante.

§ 5207d. Same; offenses punishable by State laws—If any offense shall be committed in the Yosemite National Park, Sequoia National Park, General Grant National Park, or either of them, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for

a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said parks, or either of them (June 2, 1920, c. 218, § 4, 41 Stat 731.)

See note to § 5207a, ante

§ 5207e. Same; hunting or fishing—All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said parks; or shall any fish be taken out of any of the waters of the said parks, or either of them in any other way than by hook and line, and then only at such seasons and such times and manner as may be directed by the Secretary of the Interior (June 2, 1920, c 218, § 5, 41 Stat 731)

See note to § 5207a, ante

§ 5207f. Same; rules and regulations—The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities or wonderful objects within said parks, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said parks; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said parks or either of them (June 2, 1920, c. 218, § 5, 41 Stat. 732)

See note to § 5207a, ante

§ 5207g. Same; possession of dead bodies of birds or animals—Possession within said parks, or either of them, of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that person or persons having same are guilty of violating this Act. (June 2, 1920, c. 218, § 5, 41 Stat 732)

See note to § 5207a, ante

§ 5207h. Same; transportation of birds, animals or fish; violations of act or rules or regulations for management, care, and preservation of parks; damage or spoliation; punishment—Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this Act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said parks, or either of them, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or wonderful objects within said parks, or either of them, or for the protection of the animals, birds, or fish in the said parks, or either of them, or who shall within said parks commit any damage, injury, spoliation to or upon any building, fence, hedge, gate, guide post, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the respective Acts creating and establishing said parks, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be subject to the penalty provided for the violation of rules and regulations of the Secretary of the Interior authorized by section 3 of the Act of Congress approved August 25, 1916 (Thirty-ninth Statutes, page 535), entitled "An Act to establish a National Park Service, and for other purposes" (June 2, 1920, c 218, § 5, 41 Stat 732)

See note to § 5207a, ante

§ 5207i. Same; sale or disposal of timber; destruction of detrimental animal or plant life—Nothing herein shall be construed as repealing or in any way modifying the authority granted the Secretary of the Interior by said section 3 of the said Act approved August 25, 1916, to sell or dispose of timber in national parks in those cases where, in his judgment, the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery of the natural or historic objects in such parks and to provide for the destruction of such animals and such plant life as may be detrimental to the use of any of said parks, or the authority granted to said Secretary by the Act approved April 9, 1912, entitled "An Act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," as amended by the Act approved April 16, 1914 (June 2, 1920, c 218, § 5, 41 Stat 732)

See note to § 5207a, ante

§ 5207j. Same; seizure and forfeiture of guns, traps, teams, horses, etc.—All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said parks, or either of them, when engaged in killing, trapping, ensnaring or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said parks, or either of them, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior. (June 2, 1920, c 218, § 6, 41 Stat. 733.)

See note to § 5207a, ante.

§ 5207k. Same; arrests by commissioners for certain offenses; holding persons arrested for trial; bail—Any such commissioner within his jurisdiction shall also have the power to issue process as hereinbefore provided for the arrest of any person charged with commission within said boundaries of said parks, or either of them, as specified above in this Act, of any criminal offense not covered by the provisions of section 5 of this Act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, he shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court in and for the judicial district to which he belongs, and certify a transcript of the record of his proceedings and testimony in the case to the court, to which the park is attached as above specified in this Act, which court shall have jurisdiction of the case. Provided, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State. (June 2, 1920, c. 218, § 9, 41 Stat. 734.)

See note to § 5207a, ante.

§ 5207l. Same; service of process issued by commissioners; arrests without process—All pro-

cess issued by the Commissioner of the Yosemite National Park shall be directed to the marshal of the United States for the northern district of California, and all process issued by the commissioner of the Sequoia National Park and the General Grant National Park shall be directed to the marshal of the United States for the southern district of California, but nothing herein contained shall be so construed to prevent the arrest by any officer or employee of the Government or any person employed by the United States, in the policing of such reservation within the boundaries of said parks, or either of them, without process of any person taken in the act of violating the law or this Act or the regulation prescribed by said Secretary as aforesaid. (June 2, 1920 c 218, § 10, 41 Stat 734.)

See note to § 5207a, ante

§ 5207m. Same; salaries of commissioners—The commissioner provided for in this Act for the Yosemite National Park and the commissioner provided for in this Act for the Sequoia National Park and the General Grant National Park each shall be paid an annual salary of $1,500, payable monthly. (June 2, 1920, c. 218, § 11, 41 Stat 734.)

See note to § 5207a, ante

§ 5207n. Same; residence of commissioners—The said commissioner for the Yosemite National Park shall reside within the exterior boundaries of said Yosemite National Park, and the commissioner provided for the Sequoia National Park and the General Grant National Park shall reside within the exterior boundaries of one of the said last-named national parks and at a place to be designated by the court making such appointment. (June 2, 1920, c 218, § 11, 41 Stat 734)

See note to § 5207a, ante

§ 5207o. Same; fees, costs, and expenses collected by commissioner—All fees, costs and expenses collected by the commissioner shall be disposed of as provided in section 13 of this Act. (June 2, 1920, c 218, § 11, 41 Stat. 734)

See note to § 5207a, ante

§ 5207p. Same; payment of fees, costs, and expenses chargeable to United States—All fees costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (June 2, 1920, c. 218, § 12, 41 Stat 734)

See note to § 5207a, ante.

§ 5207q. Same; disposition of fines and costs—All fines and costs imposed and collected shall be deposited by said commissioners of the United States, or the marshal of the United States collecting the same, with the clerk of the United States district court to which said parks are attached, as provided in this Act. (June 2, 1920, c 218, § 13, 41 Stat 734.)

See note to § 5207a, ante

§ 5207r. Same; notice to California of passage of act and assumption of jurisdiction—The Secretary of the Interior shall notify in writing the governor of the State of California of the passage and approval of this Act and of the fact that the United States assumes police jurisdiction over said parks, as specified in said Act. (June 2, 1920, c. 218, § 14, 41 Stat. 734)

See note to § 5207a, ante

§ 5208aa. Sequoia and General Grant National Parks included in certain judicial districts; jurisdiction of district courts—Said Sequoia National Park and General Grant National Park shall constitute part of the United States judicial district for the southern district of California, and the district court of the United States in and for said southern district shall have jurisdiction of all offenses committed within the boundaries of said Sequoia National Park and General Grant National Park (June 2, 1920, c 218, § 3, 41 Stat. 731)

See note to § 5207a, ante

§ 5208b. Same; commissioner; appointment; residence; jurisdiction—The United States District Court for the Southern District of California shall appoint a commissioner for the Sequoia National Park and the General Grant National Park, who shall reside in one of said parks, and who shall have jurisdiction to hear and act upon all complaints made of any violations of the law or of the rules and regulations made by the Secretary of the Interior, for the government of the Sequoia National Park, and the General Grant National Park, and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this Act (June 2, 1920, c 218, § 8, 41 Stat 733)

See note to § 5207a, ante

§ 5208c. Same; commissioner; arrests for certain offenses—Such commissioner shall have power upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this Act prescribed for the government of said Sequoia National Park and General Grant National Park, or either of them, and for the protection of the animals, birds, and fish in said last-named parks, or either of them, and try persons so charged, and, if found guilty, impose punishment and to adjudge forfeiture prescribed. (June 2, 1920, c 218, § 8, 41 Stat 733.)

See note to § 5207a, ante

§ 5208d. Same: appeals from convictions by commissioner—In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States Court for the Southern District of California, and the United States district court in said district shall prescribe rules and procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court (June 2, 1920, c 218, § 8, 41 Stat 734)

See note to § 5207a, ante

§ 5209a. Yosemite National Park; included within certain judicial district; jurisdiction of district court—Said Yosemite National Park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within said boundaries of the Yosemite National Park. (June 2, 1920, c. 218, § 2, 41 Stat. 731.)

See note to § 5207a, ante.

§ 5216a. Yosemite National Park; commissioner; appointment; residence; jurisdiction—The United States District Court for the Northern District of California shall appoint a commissioner for the Yosemite National Park, who shall reside in said park, and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior, for the government of said Yosemite National Park, and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this Act. (June 2, 1920, c. 218, § 7, 41 Stat 733)

See note to § 5207a, ante.

§ 5216b. Same; commissioner; arrests—Such commissioner shall have power, upon sworn information, to issue process in the name of the United States

for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this Act prescribed for the government of said Yosemite National Park, and for the protection of the animals, birds, and fish in said park, and try persons so charged, and if found guilty impose punishment and to adjudge forfeiture prescribed. (June 2, 1920, c. 218, § 7, 41 Stat 733)

See note to § 5207a, ante

§ 5216c. Same; appeals from conviction by commissioner—In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States Court for the Northern District of California, and the United States district court in said district shall prescribe rules and procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court. (June 2, 1920, c. 218, § 7, 41 Stat. 733)

See note to § 5207a, ante.

§ 5227i.

For salary of Commissioner of Mount Rainier National Park, see ante, § 1451a

§ 5230i.

For salary of Commissioner of Crater National Park, see ante, § 1451a.

§ 5248aaaaa. Glacier National Park; exchange of lands in with owners of private holdings—The Secretary of the Interior, for the purpose of eliminating private holdings of land within the Glacier National Park, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located (Feb. 28, 1923, c. 144, § 1, 42 Stat. 1324.)

This section, and the section next following, are an act entitled "An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park," cited above.

§ 5248aaaaaa. Same; value of lands sought to be exchanged—The value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this Act shall be and remain a part of the Glacier National Park. (Feb. 28, 1923, c. 144, § 2, 42 Stat. 1324.)

See note to § 5248aaaaa, ante.

§ 5248i.

For salary of Commissioner of Glacier National Park, see ante, § 1461a.

§ 5249.

Act Sept. 18, 1922, c. 322, 42 Stat. 847, reads as follows. "That the Secretary of the Interior be, and he is hereby, authorized to accept a certain tract of land in the town of Estes Park, Colorado, described as lot five, Buena Vista Terrace, in the southeast quarter of the northwest quarter, section twenty-five, township five north, range seventy-three west of the sixth principal meridian, Larimer County, Colorado, donated by the Estes Park Woman's Club, as a site for an administration building for the Rocky Mountain National Park."

§ 5249a.

Act Feb 24, 1925, c. 311, 43 Stat 973, authorizes the exchange of certain patented lands in the Rocky Mountain National Park for government lands in the park

§ 5249d. Rocky Mountain National Park; control of; regulations; leases; sale and removal of timber—The said park shall be under the executive control of the Secretary of the Interior, and it shall be the duty of the said executive authority, as soon as practicable, to make and publish such reasonable rules and regulations, not inconsistent with the laws of the United States, as the said authority may deem necessary or proper for the care, protection, management, and improvement of the same, the said regulations being primarily aimed at the freest use of the said park for recreation purposes by the public and for the preservation of the natural conditions and scenic beauties thereof. The said authority may, in his discretion, execute leases to parcels of ground not exceeding twenty acres in extent in any one place to any person or company for not to exceed twenty years whenever such ground is necessary for the erection of establishments for the accommodation of visitors, may grant such other necessary privileges and concessions as he deems wise for the accommodation of visitors, and may likewise arrange for the removal of such mature or dead or down timber as he may deem necessary and advisable for the protection and improvement of the park The regulations governing the park shall include provisions for the use of automobiles therein. (Jan. 26, 1915, c. 19, § 4, 38 Stat 800, repealed in part March 1, 1919, c. 88, 40 Stat. 1270)

The following proviso, originally contained in this section, as follows "Provided, That no appropriation for the maintenance, supervision, or improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law," was repealed by Act March 1, 1919, c. 88, cited above

§ 5249i. [Repealed.]

This section (Act Aug 9, 1916, c. 302, § 5, 39 Stat 444) was repealed by Act April 29, 1922, c 171, 42 Stat 503

§ 5249j.

Certain specified land is added to the Hawaii National Park by Act May 1, 1922, c 171, § 1, 42 Stat 503. Section 2 of said act reads as follows "The provisions of the Act of August 1, 1916, entitled 'An Act to establish a national park in the Territory of Hawaii', the Act of August 25, 1916, entitled 'An Act to establish a national park service, and for other purposes,' and all Acts supplementary to and amendatory of said Acts are made applicable to and extended over the lands hereby added to the park: Provided, That the provisions of the Act of June 10, 1920, entitled 'An Act to create a Federal power commission; to provide for the improvement of navigation, the development of water power; the use of the public lands in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes,' shall not apply to or extend over such lands"

§ 5249jj. Hawaii National Park; acquisition of privately owned lands—The governor of the Territory of Hawaii is hereby authorized to acquire, at the expense of the Territory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by "An Act to establish a national park in the Territory of Hawaii," approved August 1, 1916, and all necessary perpetual easements and rights of way, or roadways, in fee simple, over or to said land or any part thereof. (Feb. 27, 1920, c. 89, § 1, 41 Stat 452.)

This section, and the section next following, are an act entitled "An act to authorize the governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park." cited above.

§ 5249jjj. Same; act relating to exchange of public lands in Hawaii not applicable—The provisions of section 73 of an Act entitled "An Act to provide a government for the Territory of Hawaii,"

approved April 30, 1900, as amended by an Act approved May 27, 1910, relating to exchanges of public lands, shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to (Feb 27, 1920, c 89, § 2, 41 Stat. 453)

See note to § 5249jj, ante.

§ 5249m. Hawaii National Park; control of; rules and regulations; leases; appropriations—The said park shall be under the executive control of the Secretary of the Interior whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury, of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible The Secretary may in his discretion grant leases for terms not exceeding twenty years, at such annual rental as he may determine, of parcels of land in said park of not more than twenty acres in all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any Act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease The secretary may in his discretion grant to persons or corporations now holding leases of land in the park, upon the surrender thereof, new leases hereunder, upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as he may prescribe. All of the proceeds of said leases and other revenues that may be derived from any source connected with the park shall be expended under the direction of the Secretary, in the management and protection of the same and the construction of roads and paths therein The Secretary may also, in his discretion, permit the erection and maintenance of buildings in said park for scientific purposes: And provided further, That no appropriation shall be made for the improvement or maintenance of said park until proper conveyances shall be made to the United States of such perpetual easements and rights of way over private lands within the exterior boundaries of said park as the Secretary of the Interior shall find necessary to make said park reasonably accessible in all its parts, and said Secretary shall when such easements and rights of way have been conveyed to the United States report the same to Congress. (Aug. 1, 1916, c. 264, § 4, 39 Stat. 434, repealed in part June 5, 1924, c. 263, 43 Stat. 390.)

This section was repealed in part by Act June 5, 1924, c. 263, cited above, by striking out the following proviso: "Provided, That no appropriation for the maintenance, supervision, and improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law."

§ 5249r.

Certain specified land is added to Mount McKinley National Park by Act Jan. 30, 1922, c. 39, 42 Stat. 359.

§ 5249vv. Grand Canyon National Park; establishment; boundaries—There is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Grand Canyon National Park," the tract of land in the State of Arizona particularly described by and included within metes and bounds, as follows, to wit:

Beginning at a point which is the northeast corner of township thirty north, range one east. of the Gila and Salt River meridian, Arizona; thence west on township line between townships thirty and thirty-one north, range one east, to section corner common to sections one and two, township thirty north, range one east, and thirty-five and thirty-six, township thirty-one north, range one east, thence north on section lines to the intersection with Tobocobya Spring-Rowe Well Road, thence northwesterly along the southwesterly side of said Tobocobya Spring-Rowe Well Road, passing and in relation to United States Geological Survey bench marks stamped "Canyon" and numbered 6340, 6235, 6372, 6412, 6302, 6144, and 6129, through townships thirty-one and thirty-two north, ranges one east and one and two west, to its intersection with the section line between sections nine and sixteen in township thirty-two north, range two west; thence west along the section lines through townships thirty-two north, ranges two and three west, to its intersection with upper westerly rim of Cataract Canyon; thence northwesterly along upper rim of Cataract Canyon, crossing Hualapai Canyon and continuing northwesterly along said upper rim to its intersection with range line, township thirty-three north, between ranges four and five west; thence north on said range line, townships thirty-three and thirty-four north, ranges four and five west, to north bank of the Colorado River; thence northeasterly along the north bank of the Colorado River to junction with Tapeats Creek; thence easterly along north bank of Tapeats Creek to junction with Spring Creek; thence easterly along the north bank of Spring Creek to its intersection with Gila and Salt River meridian, township thirty-four north, between ranges one east and one west and between section six, township thirty-four north, range one east, and section one, township thirty-four north, range one west; thence south on range line between ranges one east and one west to section corner common to sections seven and eighteen, township thirty-four north, range one east, and sections twelve and thirteen, township thirty-four north, range one west; thence east on section lines to section corner common to sections seven, eight, seventeen, and eighteen, township thirty-four north, range two east; thence south on section lines to township line between townships thirty-three and thirty-four north, range two east, at section corner common to sections thirty-one and thirty-two, township thirty-four north, range two east, and sections five and six, township thirty-three north, range two east; thence east on township line to section corner common to sections thirty-one and thirty-two, township thirty-four north, range three east, and sections five and six, township thirty-three north, range three east; thence south on section lines to section corner common to sections seventeen, eighteen, nineteen, and twenty, township thirty-three north, range three east; thence east on section lines to section corner common to sections thirteen, fourteen, twenty-three, and twenty-four, township thirty-three north, range three east; thence north on section lines to section corner common to sections one, two, eleven, and twelve, township thirty-three north, range three east; thence east on section lines to the intersection with upper rim of Grand Canyon; thence northerly along said upper rim of Grand Canyon to main hydrographic divide north of Nankoweap Creek; thence easterly along the said hydrographic divide to its intersection with the Colorado River, approximately at the mouth of Nankoweap Creek; thence easterly across the Colorado River and up the hydrographic divide nearest the junction of Nankoweap Creek and Colorado River to a point on the

upper east rim of the Grand Canyon, thence by shortest route to an intersection with range line, townships thirty-three and thirty-four north, between ranges five and six east, thence south on said range line, between ranges five and six east, to section corner common to sections eighteen and nineteen, township thirty-three north, range six east, and sections thirteen and twenty-four, township thirty-three north, range five east, thence east on section lines to section corner common to sections sixteen, seventeen, twenty, and twenty-one, township thirty-three north, range six east, thence south on section lines to section corner common to sections eight, nine, sixteen, and seventeen, township thirty-one north, range six east; thence west on section line to section corner common to sections seven, eight, seventeen, and eighteen, township thirty-one north, range six east; thence south on section lines to township line between townships thirty and thirty-one north at section corner common to sections thirty-one and thirty-two, township thirty-one north, range six east, and sections five and six, township thirty north, range six east, thence west on township line to section corner common to sections thirty-four and thirty-five, township thirty-one north, range five east, and sections two and three, township thirty north, range five east; thence south on section line to section corner common to sections two, three, ten, and eleven, township thirty north, range five east, thence west on section lines to range line, township thirty north, between ranges four and five east, at section corner common to sections six and seven, township thirty north, range five east, and one and twelve, township thirty north, range four east, thence south on range line, township thirty north, between ranges four and five east, to section corner common to sections seven and eighteen, township thirty north, range five east, and sections twelve and thirteen, township thirty north, range four east; thence west on section line to section corner common to sections eleven, twelve, thirteen, and fourteen, township thirty north, range four east, thence south on section line to section corner common to sections thirteen, fourteen, twenty-three, and twenty-four, township thirty north, range four east, thence west on section lines to section corner common to sections fifteen, sixteen, twenty-one, and twenty-two, township thirty north, range four east; thence south on section line to section corner common to sections twenty-one, twenty-two, twenty-seven, and twenty-eight, township thirty north, range four east, thence west on section lines to range line, township thirty north, between ranges three and four east, at section corner common to sections nineteen and thirty, township thirty north, range four east, and sections twenty-four and twenty-five, township thirty north, range three east; thence north on range line to section corner common to sections eighteen and nineteen, township thirty north, range four east, and sections thirteen and twenty-four, township thirty north, range three east; thence west on section lines to section corner common to sections fourteen, fifteen, twenty-two, and twenty-three, township thirty north, range three east; thence north on section line to section corner common to sections ten, eleven, fourteen, and fifteen, township thirty north, range three east, thence west on section lines to range line at section corner common to sections seven and eighteen, township thirty north, range three east, and sections twelve and thirteen, township thirty north, range two east; thence north on range line to section corner common to sections six and seven, township thirty north, range three east, and sections one and twelve, township thirty north, range two east; thence west on section line to section corner common to sections one, two, eleven, and twelve, township thirty north, range two east; thence north on section line to township line at section corner common to sections thirty-five and thirty-six, township thirty-one north, range two east, and sections one and two, township thirty north, range two east; thence west on township line to the northeast corner of township thirty north, range one east, the place of beginning. (Feb. 26, 1919, c 44, § 1, 40 Stat 1175)

This section, and the eight sections next following, are an act entitled "An act to establish the Grand Canyon National Park in the State of Arizona," cited above

The Interior Department appropriation act for the year 1923, Act May 24, 1922, c 199, 42 Stat 590, contains the following provision. "Grand Canyon National Park, Arizona For administration, protection, maintenance, improvement, and the acquisition of lands for road and trail rights of way within the park, including not exceeding $2,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $75,000 Provided, That no expenditure shall be made in the maintenance or improvement of any toll road or toll trail, or for maintenance or construction of physical improvements on the north rim."

§ 5249w. Same; administration of Park, concessions and privileges—The administration, protection, and promotion of said Grand Canyon National Park shall be exercised, under the direction of the Secretary of the Interior, by the National Park Service, subject to the provisions of the Act of August twenty-fifth, nineteen hundred and sixteen, entitled "An Act to establish a National Park Service, and for other purposes": Provided, That all concessions for hotels, camps, transportation, and other privileges of every kind and nature for the accommodation or entertainment of visitors shall be let at public bidding to the best and most responsible bidder (Feb. 26, 1919, c 44, § 2, 40 Stat 1177)

See note to § 5249vv, ante.

§ 5249ww. Same; rights of Havasupai Indians—Nothing herein contained shall affect the rights of the Havasupai Tribe of Indians to the use and occupancy of the bottom lands of the Canyon of Cataract Creek as described in the Executive order of March thirty-first, eighteen hundred and eighty-two, and the Secretary of the Interior is hereby authorized, in his discretion, to permit individual members of said tribe to use and occupy other tracts of land within said park for agricultural purposes (Feb 26, 1919, c. 44, § 3, 40 Stat. 1177.)

See note to § 5249vv, ante.

§ 5249x. Same; entries under land laws; toll road—Nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land and nothing herein contained shall affect, diminish, or impair the right and authority of the county of Coconino, in the State of Arizona, to levy and collect tolls for the passage of live stock over and upon the Bright Angel Toll Road and Trail, and the Secretary of the Interior is hereby authorized to negotiate with the said county of Coconino for the purchase of said Bright Angel Toll Road and Trail and all rights therein, and report to Congress at as early a date as possible the terms upon which the property can be procured. (Feb. 26, 1919, c. 44, § 4, 40 Stat. 1177.)

See note to § 5249vv, ante.

§ 5249xx. Same; laws applicable to Park; easements and rights of ways—Whenever consistent with the primary purposes of said park the Act of February fifteenth, nineteen hundred and one, applicable to the locations of rights of way in certain national parks and the national forests for irrigation and other purposes, and subsequent Acts shall be, and remain applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem

proper, grant easements or rights of way for railroads upon or across the park. (Feb 26, 1919, c. 44, § 5, 40 Stat. 1178)

See note to § 5249vv, ante

§ 5249y. Same; development of mineral resources—Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of said park upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States (Feb 26, 1919, c. 44, § 6, 40 Stat. 1178)

See note to § 5249vv, ante

§ 5249yy. Same; reclamation projects—Whenever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project (Feb 26, 1919, c 44, § 7, 40 Stat. 1178.)

See note to § 5249vv, ante

§ 5249z. Same; buildings on privately owned lands—Where privately owned lands within the said park lie within three hundred feet of the rim of the Grand Canyon no building, tent, fence, or other structure shall be erected on the park lands lying between said privately owned lands and the rim (Feb 26, 1919, c. 44, § 8, 40 Stat. 1178)

See note to § 5249vv, ante.

§ 5249zz. Same; Executive order revoked; Grand Canyon Game Preserve included in Park—The Executive order of January eleventh, nineteen hundred and eight, creating the Grand Canyon National Monument, is hereby revoked and repealed, and such parts of the Grand Canyon National Game Preserve, designated under authority of the Act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled "An Act for the protection of wild animals in the Grand Canyon Forest Reserve," as are by this Act included with the Grand Canyon National Park are hereby excluded and eliminated from said game preserve (Feb. 26, 1919, c. 44, § 9, 40 Stat. 1178.)

See note to § 5249vv, ante

§ 5249½a. Lafayette National Park; establishment; lands included—The tracts of land, easements, and other real estate heretofore known as the Sieur de Monts National Monument situated on Mount Desert Island, in the county of Hancock and State of Maine, established and designated as a national monument under the Act of June eighth, nineteen hundred and six, entitled "An Act for the preservation of American antiquities," by presidential proclamation of July eighth, nineteen hundred and sixteen, is hereby declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Lafayette National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for Sieur de Monts National Monument (Feb 26, 1919, c. 45, § 1, 40 Stat 1178)

This section, and the two sections next following, are an act entitled "An act to establish the Lafayette National Park in the State of Maine," cited above

§ 5249½b. Same; administration of Park—The administration, protection, and promotion of said Lafayette National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provision of the Act of August twenty-fifth, nineteen hundred and sixteen, entitled "An Act to establish a National Park Service, and for other purposes," and Acts additional thereto or amendatory thereof (Feb 26, 1919, c 45 § 2, 40 Stat. 1179)

See note to 5249½a, ante

§ 5249½c. Same; acceptance of property on Mount Desert Island—The Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States such other property on said Mount Desert Island, including lands, easements, buildings, and moneys, as may be donated for the extension or improvement of said park (Feb 26, 1919, c 45, § 3, 40 Stat 1179)

See note to 5249½a, ante

§ 5249½d. Zion National Park created; maintenance—The Zion National Monument, in the county of Washington, State of Utah, established and designated as a national monument under the Act of June 8, 1906, entitled "An Act for the preservation of American antiquities," by presidential proclamations of July 31, 1909, and March 18, 1918, is hereby declared to be a national park and dedicated as such for the benefit and enjoyment of the people, under the name of the Zion National Park, under which name the aforesaid national park shall be maintained by allotment of funds heretofore or hereafter appropriated for the national monuments, until such time as an independent appropriation is made therefor by Congress (Nov 19, 1919, c. 110, § 1, 41 Stat 356)

This section, and the section next following are an act entitled "An act to establish the Zion National Park in the State of Utah," cited above

§ 5249½e. Same; administration of Park—The administration, protection, and promotion of said Zion National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provision of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," and Acts additional thereto or amendatory thereof. (Nov 19, 1919, c. 110, § 2, 41 Stat. 356.)

See ante, § 5249½d, and note thereunder

§ 5250aa. Limit on cost of buildings erected in national parks increased—The limitation of cost upon the construction of any administration or other building in any national park without express authority of Congress, contained in the sundry civil appropriation Act approved August twenty-fourth, nineteen hundred and twelve, is increased from $1,000 to $1,500 (July 1, 1918, c. 113, § 1, 40 Stat. 677.)

From the sundry civil appropriation act for the year 1919, cited above

§ 5251.

The sundry civil appropriation act for the fiscal year 1921, Act June 5, 1920, c 235, § 1, 41 Stat 918, contains the following provision:

"Hot Springs Reservation, Arkansas The unexpended balance on June 30, 1920, of the appropriation and authorization contained in the Sundry Civil Appropriation Act for the fiscal year 1919 for the construction of a new administration and Government free bathhouse building is reappropriated and made available for the fiscal year 1921 The Secretary of the Interior is authorized, in his discretion, to use such appropriation and authorization in the construction of separate buildings for administration and free bathhouse purposes and to accept sites in the city of Hot Springs which may be donated for said buildings"

The use, etc, of certain specified land within the Hot Springs National Park is granted to the Leo N. Levi Memorial Hospital Association by Act May 8, 1922, c 181, 42 Stat 506.

The Interior Department appropriation act for the year 1925, Act June 5, 1924, c 264, 43 Stat 423, contains the following

"Hot Springs National Park Arkansas For administration, protection, and maintenance, and improvement, including not exceeding $2,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $60,000, for construction of physical improvements, $18,000, including not exceeding $15,000 for replacement of existing sewer along front of Hot Springs National Park, and to continue off reservation to connect with sewer system of city of Hot Springs, and not exceeding $3,000 for erection of a

comfort station; in all, $78,000 Provided, That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to accept the fee-simple title to a certain tract of land adjoining the Hot Springs National Park, Arkansas, described as being the west half of the southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, fifth principal meridian, containing sixteen acres, more or less, situated in Garland County, State of Arkansas, donated to the United States of America for use in connection with Hot Springs National Park. Provided, That such land when accepted by the Secretary of the Interior shall be and remain a part of Hot Springs National Park"

§ 5251a. Name of Hot Springs Reservation changed to Hot Springs National Park—Hereafter the Hot Springs Reservation shall be known as the Hot Springs National Park (March 4, 1921, c. 161, § 1, 41 Stat. 1407)

From the sundry civil appropriation act for the year 1922, cited above.

§ 5251b. Revenues of Hot Springs National Park covered into Treasury; estimates of amount required for administration, etc.—From and after July 1, 1922, all revenues of the Hot Springs National Park shall be covered into the Treasury to the credit of miscellaneous receipts, except such as may be necessary to pay obligations outstanding on June 30, 1922 Estimates shall be submitted for the fiscal year 1924 and annually thereafter, in the manner prescribed by law, of the amounts required for the administration, protection, maintenance, and improvement of such park. (May 24, 1922, c. 199, 42 Stat. 590.)

From the Interior Department appropriation act for the year 1923, cited above.

§ 5258a. Hot Springs Reservation; charges assessable against physicians prescribing use of hot waters and bath attendants and masseurs—The Secretary of the Interior is hereby authorized to assess and collect from physicians, who desire to prescribe the hot waters from the Hot Springs Reservation, reasonable charges for the exercise of such privilege, including fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in all bathhouses receiving hot water from the reservation, reasonable charges for the exercise of such privileges. The moneys received from the exercise of this authority shall be used in the protection and improvement of the said reservation. (June 5, 1920, c. 235, § 1, 41 Stat 918)

From the sundry civil appropriation act for the year 1921, cited above.

§ 5261.

Act Sept. 18, 1922, c 321, 42 Stat 847, reads as follows. "The provision of the Act of the Legislature of the State of Arkansas, approved February 2, 1921, ceding to the United States exclusive jurisdiction over block eighty-two, within the Hot Springs National Park, are hereby accepted, and the provisions of the Act approved April 20, 1904, as amended by the Acts of March 2, 1907, and March 3, 1911, relating to the Hot Springs Mountain Reservation, Arkansas, are extended to said block eighty-two."

§ 5273a. Utah National Park; establishment; boundaries—There is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Utah National Park," the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southwest quarter of partially surveyed section 8, partially surveyed section 17 and unsurveyed section 18, township 37 south, range 3 west, and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian, in the State of Utah: Provided, That all the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States (June 7, 1924, c. 305, § 1, 43 Stat 593)

This section, and the two sections next following, are an act entitled "An act to establish the Utah National Park in the State of Utah," cited above

§ 5273b. Same; administration, etc., of park—The administration, protection, and promotion of said Utah National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes. (June 7, 1924, c. 305, § 2, 43 Stat 594)

See note to § 5273a, ante.

§ 5273c. Same; existing claims, locations, or entries not affected; exchange of lands—Nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: Provided, That the Secretary of the Interior is hereby authorized to exchange, in his discretion, alienated lands in this and Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks. (June 7, 1924, c. 305, § 3, 43 Stat. 594.)

See note to § 5273a, ante.

§ 5277b. Custer State Park Game Sanctuary; establishment—The President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding thirty thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (June 5, 1920, c. 247, § 1, 41 Stat. 986)

This section, and sections 5277c-5277f, post are an act entitled "An act for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes," cited above.

§ 5277bb. Custer State Park Game Sanctuary; enlargement—Upon recommendation of the Secretary of Agriculture the area designated as the Custer State Park Game Sanctuary under the provisions of the Act of June 5, 1920 (Forty-first Statutes at Large, page 986), may by proclamation of the President be enlarged to embrace a total of not to exceed forty-six thousand acres, and the Act of June 5, 1920, shall otherwise apply with equal force to the additional area authorized by this Act. (June 7, 1924, c. 324, 43 Stat. 632.)

This section is an act entitled "An act to amend an act creating the Custer State Park Game Sanctuary in the State of South Dakota," cited above.

§ 5277c. Same; hunting, etc., in; regulation; punishment—When such areas have been designated as provided for in section 1 of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment,

in the discretion of the court. (June 5, 1920, c. 247, § 2, 41 Stat 986)

See note to § 5277b, ante

§ 5277d. Same; purpose of act—It is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands (June 5, 1920, c. 247, § 3, 41 Stat. 986)

See note to § 5277b, ante

§ 5277e. Same; enclosure—The State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota (June 5, 1920, c. 247, § 4, 41 Stat. 986.)

See note to § 5277b, ante.

§ 5277f. Same; exchange of lands with state of South Dakota—Upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under the authority of section 1: Provided, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: Provided, however, That this authority shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this Act. (June 5, 1920, c 247, § 5, 41 Stat. 986.)

See note to § 5277b, ante

§ 5277ff. Same; patents to state of South Dakota of certain lands in park; reservation of coal, oil, gas, and other mineral rights—That the Secretary of the Interior be, and is hereby, authorized and directed to issue to the State of South Dakota patents conveying title, but reserving the minerals therein, to any unpatented lands of the United States now held or claimed by virtue of locations made under the United States general mining laws, within the Custer State Park, not exceeding a total of two thousand acres, upon payment to the United States of $1.25 per acre therefor, and upon evidence being furnished that all claim, right, title, and interest of such claimants have been transferred to the State or have been abandoned. Patents so issued to the State of South Dakota shall be conditioned upon the lands being used for park purposes, and provide for the reversion of the lands of the United States in the event of failure to so hold and use. The United States reserves all coal, oil, gas, or other minerals in the lands patented under this Act with the right, in case any of said patented lands are found by the Secretary of the Interior to be more valuable for the minerals therein than for park purposes, to provide, by special legislation, having due regard for the rights of the State of South Dakota, for the disposition and extraction of the coal, oil, gas, or other minerals therein: Provided, That the provisions of this Act are limited to lands lying within the limits of the Custer State Park, within townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian (March 3, 1925, c 465, 43 Stat. 1135)

This section is an act entitled "An act authorizing the issue of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes," cited above.

§ 5277g. Game animal and bird refuge in South Dakota; establishment—Subject to valid existing rights and entries heretofore initiated under the public land laws, any or all of the following-described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National-forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9 inclusive, sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road: Provided, That the withdrawal of the lands herein authorized shall not affect existing withdrawals for national-forest purposes. (June 7, 1924, c. 326, § 1, 43 Stat. 634)

This section, and the section next following, are an act entitled "An act to authorize the withdrawal of lands for the protection of antelope and other game animals and birds," cited above

§ 5277h. Same; erection of fence by state—The State of South Dakota is hereby authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1 hereof. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the national-forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge. (June 7, 1924, c. 326, § 2, 43 Stat 634.)

See note to § 5277g, ante.

§ 5277l. Game refuge in Ozark National Forest—The President of the United States is hereby authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame, bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both: Provided, That no lands within the present limits of the fourth congressional district shall be included in such designation. (Feb 28, 1925, c 376, 43 Stat. 1091.)

This section is an act entitled "An act to authorize the creation of game refuges in the Ozark National Forest in the State of Arkansas," cited above.

§ 527½. Upper Mississippi River Wild Life and Fish Refuge; citation of act—This Act may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act" (June 7, 1924, c. 346, § 1, 43 Stat 650)

This section, and the twelve sections next following, are an act entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," cited above

§ 527½a. Same; acquisition of lands and water for—The Secretary of Agriculture is authorized and directed to acquire by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are subject to overflow by such river and which are not used for agricultural purposes, as he determines suitable for the purposes of this Act (June 7, 1924, c. 346, § 2, 43 Stat. 650)

See note to § 527½, ante.

§ 527½b. Same; purposes of refuge; regulations by Secretaries of Agriculture and Commerce—Any such area, when acquired in accordance with the provisions of this Act, shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (hereinafter in this Act referred to as the "refuge"). The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life (June 7, 1924, c 346, § 3, 43 Stat. 650)

See note to § 527½, ante

§ 527½c. Same; consent of states to acquisition; existing rights of way, easements, etc.—(a) No such area shall be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under this Act has consented to the acquisition of such part by the United States for the purposes of this Act, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act. (June 7, 1924, c. 346, § 4, 43 Stat 650.)

See note to § 527½, ante.

§ 527½d. Same; joint regulations, etc., by Secretaries of Agriculture and Commerce—Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this Act. (June 7, 1924, c 346, § 5, 43 Stat 651.)

See note to § 527½, ante.

§ 527½e. Same; acts prohibited in refuge—No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose, or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish or other aquatic-animal life on the refuge, or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird, or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon (June 7, 1924, c 346, § 6, 43 Stat 651)

See note to § 527½, ante

§ 527½f. Same; commercial fishing—Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce (June 7, 1924, c. 346, § 7, 43 Stat. 651)

See note to § 527½, ante.

§ 527½g. Same; powers of employés of Departments of Agriculture and Commerce; searches and seizures—(a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant to this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this Act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 11, or (2) by proceedings by libel in rem Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds $20 In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the

custodian shall thereupon release the articles seized (June 7, 1924, c 346, § 8, 43 Stat 651)

See note to § 5277½, ante

§ 5277½h. Same; expenditures; appropriation—(a) The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this Act and as may be provided for by Congress from time to time.

(b) For such expenditures there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be available until expended, $25,000 of such sum to be available for expenditure by the Secretary of Agriculture and $25,000 by the Secretary of Commerce (June 7, 1924, c 346, § 9, 43 Stat 652)

See note to § 5277½, ante

§ 5277½i. Upper Mississippi River Wild Life and Fish Refuge; appropriation for acquisition of areas—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of $1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas· Provided, That the Secretary of Agriculture shall not pay for any land or land and water a price which when added to the price of land or land and water theretofore purchased, shall exceed an average cost of $5 per acre. (June 7, 1924, c. 346, § 10, 43 Stat 652, amended, March 4, 1925, c 558, 43 Stat. 1354)

This section was amended by Resolution March 4, 1925, c 558, cited above, to read as set forth above See note to § 5277½, ante Prior to this amendment this section read as follows. "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of $1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas, but no money shall be available for the acquisition of any area until the Secretary of Agriculture has ascertained that all of the areas to be acquired under this Act will be acquired within the amounts appropriated or authorized to be appropriated therefor and at an average price not in excess of $5 per acre, and not in excess of the average selling price, during the years 1921, 1922, and 1923, of comparable lands within the vicinity of such areas"

§ 5277½j. Same; violations of act or regulations; punishment—Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both. (June 7, 1924, c. 346, § 11, 43 Stat. 652.)

See note to § 5277½, ante.

§ 5277½k. Same; person defined—As used in this Act the term "person" includes an individual, partnership, association, or corporation. (June 7, 1924, c 346, § 12, 43 Stat. 652.)

See note to § 5277½, ante

§ 5277½l. Same; effect of act on other laws—Nothing in this Act shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river. (June 7, 1924, c. 346, § 13, 43 Stat. 652.)

See note to § 5277½, ante.

§ 5279.

The Sieur de Monts National Monument, established under the authority conferred by this section, is made a National Park, to be known as the Lafayette National Park, by Act Feb 26, 1919, c 45, ante, §§ 5249½a-5249½c.

§ 5281a. Forest fires in parks—For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements in national parks or national monuments that are damaged or destroyed by flood, fire, or storm, or other unavoidable causes during the fiscal year 1926, and for fighting forest fires in national parks or other areas administered by the National Park Service, or fires that endanger such areas, and for replacing buildings or other physical improvements that have been destroyed by forest fires within such areas, $40,000 Provided, That these funds shall not be used for any precautionary fire protection or patrol work prior to actual occurrence of the fire: Provided further, That the allotment of these funds to the various national parks or areas administered by the National Park Service as may be required for fire-fighting purposes shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred. (May 24, 1922, c. 199, 42 Stat. 590 Jan. 24, 1923, c. 42, 42 Stat 1212. June 5, 1924, c 264, 43 Stat 425. March 3, 1925, c. 462, 43 Stat 1179)

From the Interior Department appropriation act for the year 1926, cited above Somewhat similar provisions are contained in prior acts

§ 5281b. National monument in Riverside County, California—That the Secretary of the Interior be, and he is hereby, authorized to set apart the following-described lands located in the county of Riverside, in the State of California, as a national monument, which shall be under the exclusive control of the Secretary of the Interior, who shall administer and protect the same under the provisions of the Act of Congress approved June 8, 1906, entitled "An Act for the preservation of American antiquities," and under such regulations as he may prescribe. The west half of the southwest quarter of section two, the southeast quarter of section three, all of section ten, the west half of the northwest quarter of section eleven, all of section fourteen, all in township five south, range four east, San Bernardino base and meridian, containing one thousand six hundred acres: Provided, That before such reservation and dedication as herein authorized shall become effective the consent and relinquishment of the Agua Caliente Band of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be donated for such purposes to the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians therefor. (Aug. 26, 1922, c. 295, § 1, 42 Stat. 832)

This section, and the two sections next following, are an act entitled "An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, California," cited above

§ 5281c. Same; payment therefor—In order to determine the amount to be paid under the preceding section the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment from said donated fund for the lands relinquished to the enrolled members of the said Agua Caliente Band as authorized by section 1 of this Act. Provided, That the consent and relinquishment of the Indians may be obtained and

payment made for the lands in such manner as the Secretary of the Interior may deem advisable Provided further, That the water rights, dam, pipe lines, canals, and irrigation structures located in sections two and three of township five south, range four east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are hereby excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs. (Aug. 26, 1922, c 295, § 2, 42 Stat 832)

See note to § 5281b, ante

§ 5281d. Same; Water Power Act not applicable—The provisions of the Act of Congress approved June 10, 1920, known as the Federal Water Power Act, shall not apply to this monument. (Aug. 26, 1922, c. 295, § 3, 42 Stat. 832.)

See note to § 5281b. ante.

§ 5281dd. Shenandoah National Park, Smoky Mountains National Park, and national parks in Mammoth Cave regions of Kentucky and in southern Appalachian Mountains; commission—The Secretary of the Interior is hereby authorized and directed to determine the boundaries and area of such portion of the Blue Ridge Mountains of Virginia lying east of the South Fork of the Shenandoah River and between Front Royal on the north and Waynesboro on the south as may be recommended by him to be acquired and administered as a national park, to be known as the Shenandoah National Park, and such portion of the Smoky Mountains lying in Tennessee and North Carolina as may be recommended by him to be acquired and administered as a national park, to be known as the Smoky Mountains National Park, and in the Mammoth Cave regions of Kentucky and also such other lands in the southern Appalachian Mountains as in his judgment should be acquired and administered as national parks, and to receive definite offers of donations of lands and moneys, and to secure such options as in his judgment may be considered reasonable and just for the purchase of lands within said boundaries, and to report to Congress thereon: Provided, That the Secretary of the Interior may, for the purpose of carrying out the provisions of this Act, appoint a commission of five members, composed of a representative of the Interior Department and four national park experts, said four members to serve without compensation. (Feb. 21, 1925, c. 281, § 1, 43 Stat 958)

This section, and the section next following, are an act entitled "An act to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks," cited above.

§ 5281ddd. Same; appropriation for; clerk to commission—A sum sufficient to secure options and to pay the necessary expenses of the commission in carrying out the provisions of this Act, including the salary of one clerk to the commission at a rate not to exceed $2,000 per annum, necessary traveling expenses of the members of the commission, and $10 per diem in lieu of actual cost of subsistence, in all, not to exceed $20,000 is hereby authorized to be appropriated. (Feb. 21, 1925, c. 281, § 2, 43 Stat. 959.)

See note to § 5281dd, ante.

§ 5281e. Roads and trails in national parks and monuments; construction, etc.—The Secretary of the Interior, in his administration of the National Park Service, is hereby authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior. (April 9, 1924, c. 86, § 1, 43 Stat. 90.)

This section, and the section next following, are §§ 1 and 3 of an act entitled "An Act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior,' cited above Section 2 of said act makes the following appropriations for the carrying out of the provisions of the act $2,500,000 for the fiscal years ending June 30, 1924, and June 30, 1925, $2,500,000 for the fiscal year ending June 30, 1926, and $2,500,000 for the fiscal year ending June 30, 1927

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c. 462, 43 Stat 1179, contains the following

"Construction, and so forth, of roads and trails For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior, $1,500,000, being part of the sum authorized to be appropriated for the fiscal year 1926, by section 2 of the Act approved April 9, 1924, of which amount not to exceed $6,000 may be expended for personal services in the District of Columbia. Provided, That the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of $1,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the purpose of carrying out the provisions of said Act and Acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations so created"

§ 5281f. Same; material, equipment, and supplies for—The Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of the Act of November 10, 1921 (Forty-second Statutes at Large, page 213), not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: Provided, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use. (April 9, 1924, c. 86, § 3, 43 Stat. 90)

See note to § 5281e, ante See, also, post § 7477¼d.

TITLE XXXII C—THE NATIONAL MILITARY PARKS

§ 5289a. Approach roads to national cemeteries or national military parks; conveyance to States, etc.—That the Secretary of War be, and he hereby is, authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery or national military park: Provided, That prior to the delivery of any conveyance under this Act the State, county, or municipality to which the conveyance herein authorized is to be made shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance: Provided further, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America, which has been heretofore ceded to the United States by a State over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located. (March 3, 1925, c. 418, 43 Stat. 1104.)

This section is an act entitled "An act to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and military parks, and for other purposes," cited above

§ 5290a. Park on plains of Chalmette; investigation as to feasibility of establishment—That the Secretary of War be, and he is hereby, directed

to investigate the feasibility of establishing a national military park on the plains of Chalmette, below the city of New Orleans, where was fought on January 8, 1815, the Battle of New Orleans, and to prepare plans of such park and estimate of the cost therefor, and obtain such further information as may enable Congress to act upon the matter after being fully advised (Nov 19, 1921, c 132, § 1, 42 Stat. 221.)

This section, and the section next following, are an act entitled "An act in reference to a national military park on the plains of Chalmette, below the city of New Orleans," cited above

§ 5290b. Same; expense of investigation—The expenses of the investigation herein directed to be made shall be paid from the appropriation "Contingencies of the Army." (Nov 19, 1921, c. 132, § 2, 42 Stat 221.)

See ante, § 5290a, note

§ 5290c. Commission to inspect Fredericksburg and Spotsylvania Court House battle fields; members—A commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War.

(1) A commissioned officer of the Corps of Engineers, United States Army,

(2) A veteran of the Civil War who served honorably in the military forces of the United States, and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America (June 7, 1924, c 339, § 1, 43 Stat. 646.)

This section, and the three sections next following, are an act entitled "An act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," cited above

§ 5290d. Same; qualifications of members—In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia, and the historical events associated therewith. (June 7, 1924, c. 339, § 2, 43 Stat. 647.)

See note to § 5290c, ante.

§ 5290e. Same; duties; report—It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia, in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1924. (June 7, 1924, c. 339, § 3, 43 Stat 647.)

See note to § 5290c, ante.

§ 5290f. Same; appropriation—There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this Act. (June 7, 1924, c. 339, § 4, 43 Stat. 647.)

See note to § 5290c, ante.

§ 5290g. Military Park at Kansas City, Missouri; investigation by Secretary of War—That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Kansas City, Jackson County, Missouri, for the purpose of commemorating the Battle of Westport, and engagements therewith connected, occurring on October 21 to October 23, 1864, both dates inclusive, and the preservation of said battle field, or so much thereof as may be suitable, for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same and obtain such further information as may enable Congress to act upon the matter after being fully advised. (Jan. 30, 1925, c. 119, § 1, 43 Stat 801.)

This section, and the two sections next following, are an act entitled "An act authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost of establishing a national military park in and about Kansas City, Missouri, commemorative of the battle of Westport, October 23, 1864," cited above.

§ 5290h. Same; commission to aid Secretary—To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a Commission of not to exceed three persons who shall serve without compensation or expense to the government (Jan 30, 1925, c 119, § 2, 43 Stat 801.)

See note to § 5290g, ante

§ 5290i. Same; expenses—The expense of the investigation herein directed to be made shall be paid from the appropriation to the War Department from "Contingencies of the Army." (Jan 30, 1925, c 119, § 3, 43 Stat. 801.)

See note to § 5290g, ante

§ 5290j. Battle fields of siege of Petersburg; commission to inspect; personnel—A commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War

(1) A commissioned officer of the Corps of Engineers, United States Army,

(2) A veteran of the Civil War, who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War, who served honorably in the military forces of the Confederate States of America. (Feb. 11, 1925, c 203, § 1, 43 Stat. 856)

This section, and the three sections next following, are an act entitled "An act to provide for the inspection of the battle fields of the siege of Petersburg, Virginia," cited above

§ 5290k. Same; commission to inspect; qualifications of members—In appointing the members of the commission created by section 1 of this Act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle fields of the siege of Petersburg, Virginia, and the historical events associated therewith. (Feb. 11, 1925, c. 203, § 2, 43 Stat 856.)

See note to § 5290j, ante.

§ 5290l. Same; commission to inspect; duties; report—It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle fields of the siege of Petersburg, Virginia, in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields The commission shall submit a report of its findings to the Secretary of War not later than December 1, 1925. (Feb. 11, 1925, c. 203, § 3, 43 Stat. 856)

See note to § 5290j, ante.

§ 5290m. Same; appropriation—There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in order to carry out the provisions of this Act (Feb 11, 1925, c. 203, § 4, 43 Stat 856.)

See note to § 5290j, ante.

§ 5290n. Fort McHenry; restoration and preservation—That the Secretary of War be, and he is hereby, authorized and directed so soon as it may no longer be needed for uses and needs growing out of the late war, to begin the restoration of Fort McHenry, in the State of Maryland, now occupied and used as a military reservation, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national park and perpetual national memorial shrine as the birthplace of the immortal

"Star-Spangled Banner," written by Francis Scott Key, and that the Secretary of War be, and he is hereby, further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national park, and memorial, and to maintain it as such, except that part mentioned in section 3 hereof, and that part now in use by the Department of Commerce for a light and fog-signal station under revocable license from the War Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of War for the use of the Chief of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War.

That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of War, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States. Provided, That permission is hereby granted the Secretary of the Treasury to use permanently a strip of land sixty feet wide belonging to said fort grounds, beginning at the north corner of the present grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and fifty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right of way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, setting aside a site for an immigration station and providing for an outlet therefrom: Provided, however, That if the Secretary of the Treasury accepts and makes use of said strip of land for the purposes aforesaid the War Department shall have equal use of the railroad track and other roads constructed over which to reach the city streets and railroads beyond from the other parts of the fort grounds: Provided further, That the Secretary of War may in case of a national emergency close the said military reservation and use it for any and all military purposes during the period of the emergency, and for such period of time thereafter as the public needs may require: And provided further, That the Secretary of War is hereby authorized and directed to dispose of the useless temporary buildings and contents constructed during the recent war and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary not exceeding $50,000 for use by the Secretary of War in the restoration of said Fort McHenry reservation and for other purposes consistent with this Act (May 26, 1914, c. 100, 38 Stat. 382, repealed and reenacted, March 3, 1925, c. 425, 43 Stat. 1109)

This section is an act entitled "An act to repeal and reenact chapter 100, 1914, Public, Numbered 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal 'Star-Spangled Banner,' written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," cited above The enacting clause reads as follows "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside be, and hereby is, repealed and reenacted to read as follows "

TITLE XXXIII—DUTIES UPON IMPORTS

Chapter A—Tariff Schedules

§ 5291. [Repealed]

This section (a part of section I of Act Oct 3, 1913, c 16, 38 Stat 114, the tariff act of 1913, as amended by Act April 27, 1916, c 93, 39 Stat. 56, Act Sept 8, 1916, c 463, §§ 500-502, 600, 39 Stat 793, 794, 795, and Act April 23, 1920, c 158, § 1, 41 Stat 573, and containing the tariff schedules and the free list of said tariff act) was repealed by Act Sept 21, 1922, c 356, title III, § 321, the "Tariff Act of 1922," post, § 5841c-48 For the tariff schedules of the "Tariff Act of 1922" and the free list, see post, §§ 5841a, 5841b

§§ 5291a-5291c.

As to the effective force of these sections (Act Sept 8, 1916, c. 463, title V, §§ 500-502, 39 Stat 793, 794), compare them with the schedules and free list of the "Tariff Act of 1922," Act Sept. 21, 1922, c 356, titles I and II, §§ 1 and 201, post, §§ 5841a, 5841b

§§ 5292-5304. [Repealed.]

These sections (Act Oct 3, 1913, c 16, § IV, A-I, 38 Stat 192-195) were repealed by Act Sept 21, 1922, c 356, title III, § 321, post, § 5841c-48 See, also, §§ 301-307 of the "Tariff Act of 1922" post. §§ 5841c to 5841c-11

§§ 5305-5307. [Saved from repeal]

These sections (Act Oct 3, 1913, c 16, § IV, J, subsecs 1, 2, 3, 38 Stat 195, 196) are expressly saved from repeal by § 321 of the "Tariff Act of 1922," post, § 5841c-48.

§§ 5308-5318. [Repealed]

These sections (Act Oct 3, 1913, c 16, § IV, J [subs. 4-7], L, P-U, 38 Stat. 196, 201, 202) were repealed by Act Sept. 21, 1922, c 356, title III, § 321, post, § 5841c-48 See, also, §§ 308, 310, 314, 315, 319 of the "Tariff Act of 1922," post, §§ 5841c-12, 5841c-14, 5841c-18, 5841c-19 to 5841c-24, 5841c-46

§ 5319.

Compare this section with § 317 of the "Tariff Act of 1922," post, §§ 5841c-32 to 5841c-40.

§ 5326. [Repealed.]

This section (Act July 26, 1911, c 8, § 1, 37 Stat. 4—reciprocity with Canada) was repealed by Act Sept 21, 1922, c. 356, title III, § 321, post, § 5841c-48

Chapter B—The Tariff Commission

§ 5326b.

The Executive Office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1926, Act March 3, 1925, c. 468, § 1, 43 Stat 1208, contains the following provisions:

"Tariff Commission. For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, newspapers and periodicals as may be necessary, as authorized under Title VII of the Act entitled 'An Act to increase the revenue, and for other purposes,' approved September 8, 1916, and under sections 315, 316, 317, and 318 of the Act entitled 'An Act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes,' approved September 21, 1922, $712,000, of which amount not to exceed $569,980 may be expended for personal services in the District of Columbia Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said Act, approved September 21,

1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative"

Section 2 of said act reads as follows

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 5326bb. Disbursing clerk — The disbursing clerk of the Treasury Department shall act in a similar capacity for the United States Tariff Commission (July 19, 1919, c 24, § 1, 41 Stat 182)

From the sundry civil appropriation act for the year 1920, cited above. It has been repeated in prior appropriation acts

§ 5326g. Documents and copies for investigations; testimony; compelling production of books or papers—For the purposes of carrying this title into effect the commission or its duly authorized agent or agents shall have access to and the right to copy any document, paper, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation Any member of the commission may sign subpœnas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any district or territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Upon the application of the Attorney General of the United States, at the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of this title or any order of the commission made in pursuance thereof.

The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this title at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent Any person, firm, copartnership, corporation, or association, may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission, as hereinbefore provided.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States. Provided, That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the commission, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Sept 8, 1916, c. 463, § 706, 39 Stat 797, amended, Sept 21, 1922, c 356, title III, § 318(f), 42 Stat 947)

This section was amended by Act Sept 21, 1922, c 356, tit III, § 318(f), the "Tariff Act of 1922," cited above, by changing the second paragraph thereof to read as set forth above This amendment consists in adding, after the word "district," the words "or territorial," and in adding, after the words "court of the United States," the words "or the Supreme Court of the District of Columbia." For further powers conferred and duties imposed upon the Tariff Commission, see § 318(a-e) of the "Tariff Act of 1922," post, §§ 5841c-41 to 5841c-45

Chapter C—Emergency Tariff

This chapter consisted of title I of Act May 27, 1921, c. 14, 42 Stat 9, entitled "An act imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue, to regulate commerce with foreign countries, to prevent dumping of foreign merchandise on the markets of the United States, to regulate the value of foreign money; and for other purposes" This act consists of five titles. Title I, "Emergency Tariff," Title II, "Antidumping;" Title III, "Assessment of Ad Valorem Duties," Title IV, "General Provisions," and Title V, "Dyes and Chemicals" Title I is expressly repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2, title II is set forth post, as §§ 5326½–5326½k; title III is expressly repealed by Act Sept. 21, 1922, c 356, title IV, § 643, post, § 5841i-2; title IV, §§ 401, 402, are set forth post, as §§ 5520a, 5520b; § 403(a) is set forth post, as § 6536; § 403(b, c) is set forth post, as §§ 6536a, 6536aa, § 403(d) repeals R S. §§ 2903, 3565, §§ 404, 405, are set forth post, as §§ 5529a, 5529b, and §§ 406, 407, are set forth post, as §§ 5326½l, 5326½m, and title V is expressly repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2 Titles I and V of the "Emergency Tariff Act" were continued in force until otherwise provided by law, by Act Nov 16, 1921, c 123, 42 Stat 220, which became inoperative by the repeal of said titles as above noted

§§ 5326¼-5326¼d. [Repealed]

These sections (Act May 27, 1921, c 14, title I, §§ 1-5, 42 Stat 9-11, known as the "Emergency Tariff Act") were repealed by Act Sept. 21, 1922, c. 356, title IV, § 643, post, § 5841i-2. See note at beginning of chapter. These sections read as follows:

"On and after the day following the passage of this Act, for the period of six months, there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila),

the rates of duty which are prescribed by this section, namely

"1 Wheat, 35 cents per bushel

"2 Wheat flour and semolina, 20 per centum ad valorem

"3 Flaxseed, 30 cents per bushel of fifty-six pounds.

"4 Corn or maize, 15 cents per bushel of fifty-six pounds.

"5 Beans, provided for in paragraph 197 of the Act entitled 'An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913, 2 cents per pound

"6 Peanuts or ground beans, 3 cents per pound

"7 Potatoes, 25 cents per bushel of sixty pounds

"8. Onions, 40 cents per bushel of fifty-seven pounds

"9 Rice, cleaned, 2 cents per pound, except rice cleaned for use in the manufacture of canned foods, on which the rate of duty shall be 1 cent per pound, uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1¼ cents per pound, rice flour, and rice meal, and rice broken which will pass through a number twelve wire sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound, paddy, or rice having the outer hull on, three-fourths of 1 cent per pound

"10 Lemons, 2 cents per pound.

"11 Oils Peanut, 26 cents per gallon; cottonseed, coconut, and soya bean, 20 cents per gallon; olive, 40 cents per gallon in bulk, 50 cents per gallon in containers of less than five gallons

"12 Cattle, 30 per centum ad valorem

"13 Sheep One year old or over, $2 per head, less than one year old, $1 per head

"14 Fresh or frozen beef, veal, mutton, lamb, and pork, 2 cents per pound. Meats of all kinds, prepared or preserved, not specially provided for herein, 25 per centum ad valorem.

"15 Cattle and sheep and other stock imported for breeding purposes shall be admitted free of duty

"16. Cotton having a staple of one and three-eighths inches or more in length, 7 cents per pound

"17. Manufactures of which cotton of the kind provided for in paragraph 16 is the component material of chief value, 7 cents per pound, in addition to the rates of duty imposed thereon by existing law.

"18. Wool, commonly known as clothing wool, including hair of the camel, angora goat and alpaca, but not such wools as are commonly known as carpet wools Unwashed, 15 cents per pound; washed, 30 cents per pound; scoured, 45 cents per pound. Unwashed wools shall be considered such as shall have been shorn from the animal without any cleaning; washed wools shall be considered such as have been washed with water only on the animal's back or on the skin, wools washed in any other manner than on the animal's back or on the skin shall be considered as scoured wool On wool and hair provided for in this paragraph, which is sorted or increased in value by the rejection of any part of the original fleece, the duty shall be twice the duty to which it would otherwise be subject, but not more than 45 cents per pound.

"19. Wool and hair of the kind provided for in paragraph 18, when advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and manufactures of which wool or hair of the kind provided for in paragraph 18 is the component material of chief value, 45 cents per pound in addition to the rates of duty imposed thereon by existing law.

"20. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, one and sixteen one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscopic test, four one-hundredths of 1 cent per pound additional, and fractions of a degree in proportion, molasses testing not above forty degrees, 24 per centum ad valorem; testing above forty degrees and not above fifty-six degrees, 3½ cents per gallon, testing above fifty-six degrees, 7 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

"21. Butter, and substitutes therefor, 6 cents per pound.

"22 Cheese, and substitutes therefor, 23 per centum ad valorem.

"23. Milk, fresh, 2 cents per gallon; cream, 5 cents per gallon

"24 Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, 2 cents per pound; sugar of milk, 5 cents per pound

"25. Wrapper tobacco and filler tobacco when mixed or packed with more than 15 per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.35 per pound; if stemmed, $3 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound

"The term 'wrapper tobacco' as used in this section means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term 'filler tobacco' means all other leaf tobacco.

"26 Apples, 30 cents per bushel.

"27 Cherries in a raw state, preserved in brine or otherwise, 3 cents per pound

"28 Olives, in solutions, 25 cents per gallon, olives, not in solutions, 3 cents per pound

"2 The rates of duty imposed by section 1 (except under paragraphs 17 and 19) in the case of articles on which a rate of duty is imposed by existing law, shall be in lieu of such rate of duty during the six months' period referred to in section 1.

"3 After the expiration of the six months' period referred to in section 1, the rates of duty upon the articles therein enumerated shall be those, if any, imposed thereon by existing law

"4 The duties imposed by this title shall be levied, collected, and paid on the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the duties imposed by such Act of 1913

"5 This title shall be cited as the 'Emergency Tariff Act.'"

Chapter D—Antidumping

This chapter, inserted here in addition to the other chapters of this title, consists of Title II of Act May 27, 1921, c. 14, 42 Stat. 11, entitled "An act imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries, to prevent dumping of foreign merchandise on the markets of the United States, to regulate the value of foreign money, and for other purposes," and §§ 406 and 407 of title IV of said act, entitled "General Provisions" See, also, ante, note at beginning of chapter C of this title.

DUMPING INVESTIGATION

§ 5326½. Investigations by Secretary of Treasury; notice to Secretary by appraisers as to sales price of certain imported articles; withholding appraisement—(a) Whenever the Secretary of the Treasury (hereinafter in this Act called the "Secretary"), after such investigation as he deems necessary, finds that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise, and that merchandise of such class or kind is being sold or is likely to be sold in the United States or elsewhere at less than its fair value, then he shall make such finding public to the extent he deems necessary, together with a description of the class or kind of merchandise to which it applies in such detail as may be necessary for the guidance of the appraising officers.

(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the appraiser or person acting as appraiser has reason to believe or suspect, from the invoice or other papers or from information presented to him, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production) he shall forthwith, under regulations prescribed by the Secretary, notify the Secretary of such fact and withhold his appraisement report to the collector as to such merchandise until the further order of the Secretary, or until the Secretary has made public a finding as provided in subdivision (a) in regard to such merchandise. (May 27, 1921, c. 14, § 201, 42 Stat. 11.)

SPECIAL DUMPING DUTY

§ 5326½a. Amount of duty to be collected; determination of foreign market value of goods—(a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, if the purchase price or the ex-

porter's sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to the duties imposed thereon by law, a special dumping duty in an amount equal to such difference.

(b) If it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers for exportation to the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section

(c) If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section. (May 27, 1921, c. 14, § 202, 42 Stat. 11.)

PURCHASE PRICE

§ 5326½b. Determination of purchase price—For the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States. (May 27, 1921, c. 14, § 208, 42 Stat. 12.)

EXPORTER S SALES PRICE

§ 5326½c. Determination of exporter's sales price—For the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States (May 27, 1921, c. 14, § 204, 42 Stat. 13.)

FOREIGN MARKET VALUE

§ 5326½d. Determination of foreign market value—For the purposes of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account. (May 27, 1921, c. 14, § 205, 42 Stat. 13.)

COST OF PRODUCTION

§ 5326½e. Determination of cost of production—For the purposes of this title the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical

merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business,

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise,

(3) The cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States, and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2)) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration (May 27, 1921, c. 14, § 206, 42 Stat. 13.)

EXPORTER

§ 5326½f. Who are exporters—For the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States

(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer, or

(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer. (May 27, 1921, c. 14, § 207, 42 Stat. 14.)

OATHS AND BONDS ON ENTRY

§ 5326½g. Oath and bond of person for whose account merchandise is imported before delivery thereof—In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) that he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe. (May 27, 1921, c. 14, § 208, 42 Stat 14.)

DUTIES OF APPRAISERS

§ 5326½h. Appraisal and report to collector of foreign market value or cost of production, purchase price, exporter's sales price, etc.—In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of this title. (May 27, 1921, c 14, § 209, 42 Stat. 15)

APPEALS AND PROTESTS

§ 5326½i. Appeals, etc., from determinations of appraisers—For the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law. (May 27, 1921, c 14, § 210, 42 Stat. 15.)

DRAWBACKS

§ 5326½j. Special duties treated as regular duties—The special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties. (May 27, 1921, c. 14, § 211, 42 Stat. 15.)

SHORT TITLE

§ 5326½k. Citation of title—This title may be cited as the "Antidumping Act, 1921." (May 27, 1921, c. 14, § 212, 42 Stat. 15)

DEFINITIONS

§ 5326½l. Definitions applicable to Titles II and III—When used in Title II or Title III or in this title—

The term "person" includes individuals, partnerships, corporations, and associations; and

The term "United States" includes all Territories and possessions subject to the jurisdiction of the United States, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone (May 27, 1921, c 14, § 406, 42 Stat. 18)

This section, and the section next following, are §§ 406, 407 of Title IV of Act May 27, 1921, c 14, entitled "General Provisions" For Title II, see ante, §§ 5326½-5326½k For disposition of Title III, see post, note to §§ 5599a-5599d See, also, note at beginning of chapter C of this title of this supplement

RULES AND REGULATIONS

§ 5326½m. Secretary of Treasury to make rules and regulations for enforcement of Act—The Secretary shall make rules and regulations necessary for the enforcement of this Act. (May 27, 1921, c. 14, § 407, 42 Stat. 18)

See ante, note to § 5326½l.

Chapter E—Dyes and Chemicals

This chapter consisted of Title V of Act May 27, 1921, c. 14, 42 Stat 18, entitled "An Act Imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue, to regulate commerce with foreign countries, to prevent dumping of foreign merchandise on the markets of the United States, to regulate the value of foreign money, and for other purposes" It was expressly repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2

See, also, ante, note at beginning of chapter C of this title.

§§ 5326¾-5326¾b. [Repealed]

These sections (Act May 27, 1921, c 14, title V, §§ 501, 502, 42 Stat 18, 19, as amended by Act Aug 24, 1921, c 88, 42 Stat 191) known as the "Dye and Chemical Control Act, 1921" were repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2 See note at the beginning of this chapter.

§ 5326¾bb. [Inoperative.]

This section (Act Nov 16, 1921, c 123, 42 Stat 220, extending the life of titles I and V of Act May 27, 1921, c. 14, 42 Stat 9, 18) becomes inoperative by the repeal of said titles by Act Sept. 21, 1922, c. 356, tit IV, § 643, post, § 5841i-2.

TITLE XXXIV—COLLECTION OF DUTIES UPON IMPORTS

Chapter One—Collection-Districts, Ports, and Officers

§ 5327.

The salary of the collector of the customs for the district of North Carolina is fixed at $5,000 per annum by Act March 2, 1923, c 174, 42 Stat 1374

§ 5327aa. Appraiser of merchandise at port of Baltimore—There shall be at the port of Baltimore one appraiser of merchandise instead of two as now provided, and the said appraiser at Baltimore shall receive a salary of $4,500 per annum, payable out of the appropriation for expenses of collecting the revenue from customs

Such parts of the Act of August 24, 1912, chapter 355, section 1, Thirty-seventh Statutes, page 434, and the reorganization of the customs service made by the President thereunder as are inconsistent with the provisions of this Act and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed. (Feb. 9, 1925, c. 167, 43 Stat. 819.)

This section is an act entitled "An act to diminish the number of appraisers at the port of Baltimore, and for other purposes," cited above.

§ 5327aaa. Appraiser of merchandise at Portland, Oregon—On and after the passage of this Act the Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, an appraiser of merchandise at Portland, Oregon, prescribe his duties when not otherwise defined by law, and fix his compensation (Feb. 21, 1925, c 278, § 1, 43 Stat 957)

This section is section 1 of an act entitled "An act to provide for the appointment of an appraiser of merchandise at Portland, Oregon," cited above

§ 5327b.

Act March 4, 1923, c 251, § 7, 42 Stat 1454, repeals section 1 of Act March 4, 1909, c 314, 35 Stat. 1065, authorizing the Secretary of the Treasury to increase and fix the compensation of laborers in the customs service to a rate not exceeding $840 per annum

Act March 24, 1920, c 107, § 1, 41 Stat 536, provides "That the Secretary of the Treasury be, and he is hereby, authorized to fix the compensation of temporary laborers in the Customs Service as he may think advisable, at a rate not exceeding the local rates prevailing in the various ports and districts for the same classes of labor Provided, That it shall not exceed in any event 80 cents per hour, and credit for amounts paid since July 1, 1919, in excess of the rate of $2 50 per day shall be allowed in the accounts of customs officers" Section 2 provides that the act shall expire Dec 31, 1920 Section 3 repeals all inconsistent acts and parts of acts

§ 5327c. Director of Customs, assistant Directors of Customs, director and assistant director, Special Agency Service of Customs; appointment, compensation, and qualifications—On and after the passage of this Act the Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil-service laws and regulations, fix the compensation, and prescribe the duties, when not otherwise defined by law, of one Director of Customs (in lieu of Chief, Division of Customs), two assistant Directors of Customs (in lieu of two assistant chiefs, Division of Customs), one director, Special Agency Service of the Customs, and one assistant director, all with headquarters in the District of Columbia. The Director of the Special Agency Service and assistant director shall be officers of the Special Agency Service familiar with the statutory and prescribed duties of that service. (March 4, 1923, c. 251, § 1, 42 Stat. 1453)

This section, and the six sections next following, are an act entitled "An act to provide the necessary organization of the Customs Service for an adequate administration and enforcement of the Tariff Act of 1922 and all other customs revenue laws," cited above

§ 5327d. Deputy collectors, deputy comptrollers, deputy surveyors, deputy and assistant appraisers, examiners of merchandise, inspectors, customs agents, clerks and employés of Board of United States General Appraisers, and other customs officers, laborers, and employés; appointment, compensation, and duties—The Secretary of the Treasury is hereby further authorized and directed to appoint deputy collectors, deputy comptrollers, deputy surveyors, deputy and assistant appraisers, examiners of merchandise, inspectors and such other customs officers, laborers, and other employees as he shall deem necessary, prescribe their designations and duties when not otherwise defined by law, and fix their compensation. He is authorized to appoint special agents of the Customs Service in number, as now provided by law, and fix their compensation, and to appoint and fix the compensation of such number of customs attachés for duty in foreign countries and of customs agents as he may deem necessary, all of whom shall perform their duties as defined by existing law or prescribed by the Secretary of the Treasury, under the immediate supervision of the director, special agency service of the customs: Provided, That any officer of the Customs Service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the

United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there is no diplomatic missions of the United States appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State. Provided further, That the Secretary of State may reject the name of any such officer whose assignment to the foreign post for which he has been designated would, in his judgment, be prejudicial to the public policy of the United States The Secretary of the Treasury shall likewise appoint and fix the compensation of the clerks and other employees of the Board of United States General Appraisers The appointment of such customs officers and employees shall be made pursuant to the civil-service laws and regulations upon the nomination of the principal officer in charge of the office to which such appointments are to be made. (March 4, 1923, c 251, § 2, 42 Stat. 1453, amended, Jan 13, 1925, c 76, 43 Stat 748)

This section was amended by Act Jan 13, 1925, c 76, cited above, to correct a clerical omission in the original section. See note to § 5327c

§ 5327e. Assistant collectors, assistant comptrollers, assistant surveyors, chief assistant appraisers, and solicitor to collector of port of New York; appointment and compensation—The collectors of customs, comptrollers of customs, surveyors of customs, and appraisers of merchandise shall each, with the approval of the Secretary of the Treasury, appoint a customs officer familiar with the customs laws and procedure, to act and be known as the assistant collector, the assistant comptroller, the assistant surveyor, and the chief assistant appraiser (in lieu of the special deputies), and the Secretary of the Treasury shall fix their compensation. The collector of customs at the port of New York, shall also, with the approval of the Secretary of the Treasury, appoint a customs officer qualified in the law and familiar with customs procedure, to act and be known as solicitor to the collector, whose compensation shall likewise be fixed by the Secretary of the Treasury. (March 4, 1923, c. 251, § 3, 42 Stat. 1453)

See note to § 5327c, ante

§ 5327f. Vacancies in offices of collectors, comptrollers, surveyors, appraisers of merchandise, assistant collectors, assistant comptrollers, assistant surveyors, chief assistant appraisers, and solicitor to collector of port of New York—In case of a vacancy in the office of a collector of customs, comptroller of customs, surveyor of customs, or appraiser of merchandise, such assistant collector, assistant comptroller, assistant surveyor, or chief assistant appraiser shall give bond when required, act as such officer, and receive the compensation of such office until an appointment thereto has been made and the person so appointed has duly qualified. Whenever a vacancy occurs in the position of such assistants, chief assistant, and solicitor to the collector, herein provided for, it shall be filled, with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer, and the assistant, chief assistant, and solicitor to the collector so appointed shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service laws and regulations. (March 4, 1923, c 251, § 4, 42 Stat 1453.)

See note to § 5327c, ante

§ 5327g. Expenses of customs officers and employés.—All customs officers and employees, including customs officers and employees in foreign countries, in addition to their compensation shall receive their necessary traveling expenses and actual expenses incurred for subsistence while traveling on duty and away from their designated station, and when transferred from one official station to another for duty may be allowed, within the discretion and under written orders of the Secretary of the Treasury, the expenses incurred for packing, crating, freight, and drayage in the transfer of their household effects and other personal property, not exceeding in all five thousand pounds. (March 4, 1923, c. 251, § 5, 42 Stat 1454)

See note to § 5327c, ante

§ 5327h. Payment of compensation and expenses of customs officers and employés.—The compensation of all customs officers and employees, including the Director and Assistant Directors of Customs, herein provided for, and the expenses authorized by section 5 of this Act, shall be paid from the appropriation for the collection of the revenue from customs (March 4, 1923, c. 251, § 6, 42 Stat. 1454.)

See note to § 5327c, ante

§ 5327i. Limitation on maximum of compensation of customs officers, and employés.—Except in the case of laborers, no compensation fixed under this Act shall be greater than 30 per centum in excess of the limitations of existing law. (March 4, 1923, c 251, § 7, 42 Stat. 1454.)

This section is a part of § 7 of Act March 4, 1923, c. 251, 42 Stat 1454, cited above See note to § 5327d, ante The remainder of said § 7 repeals section 1 of Act March 4, 1909, c 314 See ante, note to § 5327c.

(R. S. §§ 2520, 2521. Repealed.)

These sections of the Revised Statutes were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2524. Repealed.)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1

(R. S. § 2537. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2540. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2554. Repealed)

This section of the Revised Statutes was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2561. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§ 5341. [Repealed.]

This section (R. S. § 2581) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2587). [Repealed in part]

So much of paragraph 3 of R. S § 2587 as provided for appointment of appraiser of merchandise at Portland, Oregon, is repealed by Act Feb. 21, 1925, c. 278, § 2, 43 Stat 957.

§§ 5343-5345. [Repealed]

These sections (R S §§ 2588, 2589, 2590) were repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. §§ 2609, 2610. Repealed)

These sections of the Revised Statutes were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

Chapter Two—Qualifications, Pay, and Duties of Officers

§§ 5378, 5379. [Repealed]

These sections (R S §§ 2637, 2638) were repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1 See, also, §§ 599, 600, of the "Tariff Act of 1922," post, §§ 5841h-19, 5841h-20

§ 5392. [Repealed.]

This section (R S. § 2652) was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

Chapter Four—Entry of Merchandise

§§ 5466-5488. [Repealed]

These sections (R S §§ 2770-2785, 2787-2791, and Act May 1, 1876, c 89, §§ 1, 2, 19 Stat 49), were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 401, 433, 436, 437, 441-445, 447, 484, 485, 585 of the "Tariff Act of 1922," post, §§ 5841d, 5841e-2, 5841e-5, 5841e-6, 5841e-10 to 5841e-14, 5841e-16, 5841f-10 to 5841f-15, 5841f-17 to 5841f-22, 5841h-4

(R. S. § 2786. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§§ 5489, 5490.

Compare these sections (R S §§ 2792, 2793) with § 441 of the "Tariff Act of 1922," post, § 5841e-10

§§ 5491-5499. [Repealed]

These sections (R S §§ 2794-2802) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1, See, also, §§ 432, 446, 496, 497, of the "Tariff Act of 1922," post, §§ 5841e-1, 5841e-15, 5841f-33, 5841f-34

(R. S. § 2803. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§ 5501. [Repealed]

This section (R S. § 2805) was repealed by Act Sept 21, 1922, c 356, tit IV, § 642, post, § 5841i-1.

§§ 5503-5520. [Repealed.]

These sections (R S §§ 2806-2815, 2832-2834, 2836, 2837, and Act March 2, 1895, c 177, § 9, 28 Stat 808, and Act Oct 3, 1913, c 16, § III, B, C, 38 Stat 181) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 431, 430, 443, 481, 483, 583, 584 of the "Tariff Act of 1922," post, §§ 5841e, 5841e-8, 5841e-12, 5841f-5841f-2, 5841f-9, 5841h-2, 5841h-3

(R. S. §§ 2816-2831. Repealed)

These sections of the Revised Statutes were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§ 5520a. Invoices; additional statements in— All invoices of imported merchandise, and all statements in the form of an invoice, in addition to the statements required by law in existence at the time of the enactment of this Act, shall contain such other statements as the Secretary may by regulation prescribe, and a statement as to the currency in which made out, specifying whether gold, silver, or paper. (May 27, 1921, c. 14, § 401, 42 Stat. 16.)

This section, and the section next following, are §§ 401 and 402 of Title IV of Act May 27, 1921, c 14, entitled "General Provisions" See ante, note under chapter C of title 33 of this supplement

§ 5520b. Additional statements in invoice and entry—The owner, importer, consignee, or agent, making entry of imported merchandise, shall set forth upon the invoice, or statement in the form of an invoice, and in the entry, in addition to the statements required by the law in existence at the time of the enactment of this Act, such statements, under oath if required, as the Secretary may by regulation prescribe. (May 27, 1921, c. 14, § 402, 42 Stat. 16)

See note to § 5520a, ante

§§ 5521-5524. [Repealed.]

These sections (Act Oct 3, 1916, c. 16, § III, D-G, 38 Stat. 181-183) were repealed by Act Sept. 21, 1922, c 356, tit IV, § 643, post, § 5841i-2 See, also, §§ 482, 484, 485 of the Tariff Act of 1922, post, §§ 5841f-3 to 5841f-8, 5841f-10 to 5841f-16, 5841f-17 to 5841f-22

§§ 5526-5529. [Repealed.]

These sections (Act Oct 3, 1916, c. 16, § III, H, I, J, W, 38 Stat 183-185, 190) were repealed by Act Sept 21, 1922, c. 356, tit. IV, § 643, post, § 5841i-2 See, also, §§ 481, 487, 489 of the "Tariff Act of 1922," post, §§ 5841f-5841f-2, 5841f-24, 5841f-26

§ 5529a. Failure to permit inspection of books, papers, records, etc., by manufacturers, producers, sellers, shippers or consignors of merchandise exported to United States—If any person manufacturing, producing, selling, shipping, or consigning merchandise exported to the United States fails, at the request of the Secretary, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary, under regulations prescribed by him, (1) shall prohibit the importation into the United States of merchandise manufactured, produced, sold, shipped or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped or consigned by such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise (May 27, 1921, c. 14, § 404, 42 Stat 17.)

This section, and the section next following, are §§ 404 and 405 of title IV of Act May 27, 1921, c 14, entitled "General Provisions" See ante, note under chapter C of title 33 of this supplement

§ 5529b. Failure to permit inspection of books, papers, records, etc., of importers or dealers in imported merchandise—If any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary, or an appraiser, or person acting as appraiser, or a collector or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct the collectors to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise. (May 27, 1921, c 14, § 405, 42 Stat. 18.)

See note to § 5529a, ante

§§ 5530-5533. [Repealed]

These sections (Act Oct 3, 1913, c 16, § III, Z, AA, BB, CC, 38 Stat. 191, 192) were repealed by Act Sept. 21, 1922, c. 356, title IV, § 643, post, § 5841i-2

§§ 5535-5540. [Repealed.]

These sections (R. S. §§ 2840, 2842, 2844, 2846, 2849, 2852) were repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1

(R. S. §§ 2847, 2848. Repealed)

These sections of the Revised Statutes were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

(R. S. § 2850. Repealed.)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1

§§ 5542-5544. [Repealed]

These sections (R. S §§ 2857, 2859, and Act June 10, 1880, c 190, § 4, 21 Stat. 173) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 Sec, also, § 482 of the "Tariff Act of 1922," post, §§ 5841f-3 to 5841f-8

(R. S. § 2864. Repealed.)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§§ 5548, 5549. [Repealed]

These sections (R S § 2865, and Act June 20, 1876, c. 135, 19 Stat. 60) were repealed by Act Sept. 21, 1922, c. 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, § 593 of the "Tariff Act of 1922," post, §§ 5841h-12, 5841h-13.

Chapter Five—Unlading

§§ 5555-5570. [Repealed.]

These sections (R S §§ 2867-2870, 2872-2879, and Act Feb 13, 1911, c 46, §§ 1-4, 36 Stat 899, 900) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 448, 450-455, 586, 587 of the "Tariff Act of 1922," post, §§ 5841e-17, 5841e-19 to 5841e-24, 5841h-5, 5841h-6

§ 5571. Compensation for overtime services; boarding officers may administer oaths; fixing working hours—The Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of inspectors, store-keepers, weighers, and other customs officers and employees who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays, to perform services in connection with the lading or unlading of cargo, or the lading of cargo or merchandise for transportation in bond or for exportation in bond or for exportation with benefit of drawback, or in connection with the receiving or delivery of cargo on or from the wharf, or in connection with the unlading, receiving, or examination of passengers' baggage, such rates to be fixed on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock postmeridian to eight o'clock antemeridian), and two additional days' pay for Sunday or holiday duty. The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance whenever such special license or permit for immediate lading or unlading or for lading or unlading at night or on Sundays or holidays shall be granted to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed therefor by the Secretary of the Treasury: Provided, That such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual lading, unlading, receiving, delivery, or examination takes place or not Customs officers acting as boarding officers and any customs officer who may be designated for that purpose by the collector of customs are hereby authorized to administer the oath or affirmation herein provided for, and such boarding officers shall be allowed extra compensation for services in boarding vessels at night or on Sundays or holidays at the rates prescribed by the Secretary of the Treasury as herein provided, the said extra compensation to be paid by the master, owner, agent, or consignee of such vessel: Provided further, That in those ports where customary working hours are other than those hereinabove mentioned, the Collector of Customs is vested with authority to regulate the hours of customs employees so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to affect or alter the length of a working day for customs employees or the overtime pay herein fixed. (Feb 13, 1911, c. 46, § 5, 36 Stat. 901, amended, Feb 7, 1920, c. 61, 41 Stat. 402)

For this section prior to the amendment by Act Feb. 7, 1920, see U. S. Comp St. 1918, § 5571

§§ 5572-5576. [Repealed]

These sections (R S §§ 2880-2884) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1. See, also, § 457 of the "Tariff Act of 1922," post, § 5841e-26

§§ 5579-5588. [Repealed.]

These sections (R S §§ 2887-2894, 2896, 2898) were repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1. See, also, §§ 449, 506 of the "Tariff Act of 1922," post, §§ 5841e-18, 5841f-50

(R. S. § 2895. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

Chapter Six—Appraisal

§§ 5589-5592. [Repealed]

These sections (R S §§ 2899, 2901, and Act Oct 3, 1913, c 16, § III, K, L, 38 Stat 189) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 402, 483, 499 of the Tariff Act of 1922," post, §§ 5841d-1 to 5841d-6, 5841f-23, 5841f-37

§ 5593.

Compare this section with § 518 of the "Tariff Act of 1922," post, § 5841f-65

§§ 5594-5599. [Repealed.]

These sections (Act Oct 3, 1913, c 16, § III, M, N, O, P, Q, R, 38 Stat 186-189) were repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2 See, also, §§ 500, 501, 503, 508, 509, 514, 515, 519, of the "Tariff Act of 1922," post, §§ 5841f-38 to 5841f-43, 5841f-47, 5841f-52, 5841f-53, 5841i-58, 5841f-59, 5841f-66

§§ 5599a-5599d. [Repealed]

These sections (Act May 27, 1921, c 14, title III, §§ 301-304, 42 Stat 15, 16 "Assessment of Ad Valorem Duties") were repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2

§§ 5600-5602. [Repealed]

These sections (Act Oct 3, 1913, c 16, § III, U, V, X, 38 Stat 189, 190) were repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2 See, also, post, §§ 505, 511, of the "Tariff Act of 1922," post, §§ 5841f-49, 5841f-55

§ 5603. [Repealed]

This section which was R S. § 2903, is repealed by par d, of § 403 of title IV of Act May 27, 1921, c 14, entitled "General Provisions" Par. e of said act provides that this section shall remain in force for the assessment and collection of duties on merchandise imported into the United States prior to the day of the enactment of said act See ante, note under chapter C of title 33 of this supplement

§§ 5605-5612. [Repealed]

These sections (R S §§ 2906, 2910-2916) were repealed by Act Sept 21, 1922, 356, title IV, § 642, post, § 5841i-1

§ 5616. [Repealed]

This section (a part of § 1 of Act March 2, 1895, c. 189, 28 Stat 933) was repealed by Act Sept 21, 1922, c. 356, title III, § 321, post, § 5841c-18

§§ 5618-5622. [Repealed.]

These sections (R S §§ 2920, 2921, 2925, 2926, 2933) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1 See, also, §§ 490, 494 of the "Tariff Act of 1922," post, §§ 5841f-27, 5841f-31.

(R. S. § 2928. Repealed.)

This section of the Revised Statutes was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§§ 5624-5626. [Repealed]

These sections (R. S §§ 2935-2937) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§ 5628. [Repealed.]

This section (R. S § 2939) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

(R. S. § 2945. Repealed.)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§§ 5633-5635. [Repealed]

These sections (R. S §§ 2946, 2947, 2949) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1 See, also, § 502 of the "Tariff Act of 1922," post, §§ 5841f-44 to 5841f-46

(R. S. § 2948. Repealed.)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2950. Repealed.)

This section of the Revised Statutes was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§ 5637. [Repealed.]

This section (R. S. § 2953) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

Chapter Seven—The Bond and Warehouse System

§§ 5638-5649. [Repealed]

These sections (R S §§ 2954-2965) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1 See, also, §§ 555, 557, 560, 561 of the "Tariff Act of 1922," post, §§ 5841g-4, 5841g-6, 5841g-9, 5841g-10

§§ 5653-5657. [Repealed.]

These sections (R S §§ 2966, 2968, 2969, 2971, and Act Oct 3, 1913, c 16, § III, S, 38 Stat 189) were repealed by Act Sept 21, 1922, c 356. tit IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 557, 559, of the "Tariff Act of 1922," post, §§ 5841g-6, 5841g-8

(R. S. § 2967. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 2970. Repealed)

This section of the Revised Statutes was repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§ 5657a. [Repealed.]

This section (Act Sept 5, 1916, c 441, 39 Stat 725, an indirect amendment of R S § 2971) was repealed by Act Sept 21, 1922, c 356, tit IV, § 642, post, § 5841i-1

§§ 5658-5668. [Repealed]

These sections (R S §§ 2972-2981, and Act Oct 3, 1913, c 16, § IV, K, 38 Stat 197) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 321, post, §§ 5841i-1, 5841c-18 See, also, §§ 309, 491, 493, 562, 564 of the "Tariff Act of 1922," post, §§ 5841c-13, 5841f-28, 5841f-30, 5841g-11, 5841g-13.

(R. S. § 2982. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§ 5671. [Repealed.]

This section (Act March 24, 1874, c 65, 18 Stat 24) was repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2.

§§ 5672, 5673. [Repealed]

These sections (Act Oct 3, 1913, c 16, § IV, M, N [subsec 1], 38 Stat 197, 198) were repealed by Act Sept 21, 1922, c. 356, title III, § 321, post, § 5841c-48 See, also, §§ 311, 312 of the "Tariff Act of 1922," post, §§ 5841c-15, 5841c-16.

§§ 5676-5693. [Repealed.]

These sections (R S §§ 2983-2989, 3000-3008, and Act June 22, 1874, c 391, §§ 24, 25, 18 Stat 191) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2. See, also, §§ 553, 554, 556, 560, 563, 565, 597, 598 of the "Tariff Act of 1922," post, §§ 5841g-2, 5841g-3, 5841g-5, 5841g-9, 5841g-12, 5841g-14, 5841h-17, 5841h-18

Chapter Seven A—Immediate Transportation in Bond to Inland Ports

§§ 5695-5704. [Repealed and inoperative]

These sections (R S § 2998, and Act June 10, 1880, c. 190, §§ 1-3, 5-7, 9, 21 Stat 173-175, and Act Feb 23, 1887, c 218, 24 Stat. 414, and Act Feb 2, 1899, c 84, 30 Stat 814) were repealed by Act Sept. 21, 1922, c 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 551, 552 of the "Tariff Act of 1922," post, §§ 5841g, 5841g-1. This repeal probably makes inoperative the following acts: Act July 20, 1918, c 158, 40 Stat 916, extending the privileges of section 1 of Act June 10, 1880, c. 190, 21 Stat. 178, as amended, to the port of Oswego, New York; Act July 20, 1918, c. 159, 40 Stat 917, extending the privileges of sections 1 and 7 of said Act June 10, 1880, c 190, to the port of Bar Harbor, Maine, Act March 2, 1919, c 93, 40 Stat. 1272, extending the privileges of sections 1 and 7 of said act June 10, 1880, c. 190 to the port of Gulfport, Mississippi; and Act June 18, 1921, c 24, 42 Stat. 64, extending the privileges of section 7 of said Act June 10, 1880, c. 190, to the port of Fort Worth, Texas

Chapter Eight—Payment

§§ 5713-5718. [Repealed.]

These sections (R. S. § 3010, and Act June 22, 1874, c. 391, § 21, 18 Stat. 190, and Act March 3, 1875, c. 136, §§ 1, 3, 4, 18 Stat. 469, and Act Oct 3, 1913, c. 16, § III, Y, 38 Stat. 191) were repealed by Act Sept 21, 1922, c. 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 512, 520 of the "Tariff Act of 1922, post, §§ 5841f-56, 5841f-67, 5841f-68

Chapter Nine—Drawback

§§ 5720-5729. [Repealed]

These sections (R S §§ 3015-3018, 3021-3025, and Act Oct 3, 1913, c 16, § IV, O, 38 Stat 200) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 321, post, §§ 5841i-1, 5841c-48 See, also, §§ 313, 558 of the "Tariff Act of 1922," post, §§ 5841c-17, 5841g-7.

(R. S. §§ 3019, 3020. Repealed.)

These sections of the Revised Statutes were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

(R. S. § 3026. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1

§§ 5731-5750. [Repealed.]

These sections (R S §§ 3028-3047) were repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1.

§§ 5752-5759. [Repealed]

These sections (R. S. §§ 3049-3054, 3056, 3057) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1 See, also, §§ 553, 589, 590 of the "Tariff Act of 1922," post, §§ 5841g-2, 5841h-8, 5841h-9.

(R. S. § 3055. Repealed)

This section of the Revised Statutes was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

Chapter Ten—Enforcement of Duty—Laws and Punishment for Violations

§§ 5760-5762. [Repealed]

These sections (R S §§ 3058-3060) were repealed by Act Sept 21, 1922, c 356, IV, § 642, post, § 5841i-1 See, also, § 581 of the "Tariff Act of 1922," post, § 5841h

§§ 5765-5770. [Repealed.]

These sections (R S §§ 3063-3067, and Act Feb 8, 1881, c. 34, 21 Stat. 322) were repealed by Act Sept. 21, 1922, c. 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2 See, also, §§ 594, 595, of the "Tariff Act of 1922," post, §§ 5841h-14, 5841h-15.

§§ 5772, 5773. [Repealed.]

These sections (R S §§ 3069, 3070) were repealed by Act Sept 21, 1922, c. 356, title IV, § 642, post, § 5841i-1. See, also, § 454 of the "Tariff Act of 1922," post, § 5841e-23

§§ 5777-5789. [Repealed.]

These sections (R S §§ 3074-3086) were repealed by Act Sept. 21, 1922, c 356, title IV, § 642, post, § 5841i-1. See, also, §§ 593, 602-609, 612-614, of the "Tariff Act of 1922," post, §§ 5841h-12, 5841h-13, 5841h-22 to 5841h-29, 5841h-32 to 5841h-34

§§ 5791, 5792. [Repealed.]

These sections (R. S § 3088, and Act Oct 3, 1913, c. 16, § III, T, 38 Stat. 189) were repealed by Act Sept. 21, 1922, c. 356, title IV, §§ 642, 643, post, §§ 5841i-1, 5841i-2. See, also, § 615 of the "Tariff Act of 1922," post, § 5841h-35

§ 5794. [Repealed.]

This section (R S § 3090) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841i-1.

§§ 5797, 5798. [Repealed]

These sections (Act June 22, 1874, c. 391, §§ 3, 4, 18 Stat 186) were repealed by Act Sept 21, 1922, c. 356, title IV, § 643, post, § 5841i-2.

§§ 5800, 5801. [Repealed]

These sections (Act June 22, 1874, c. 391, §§ 6, 7, 18 Stat 187) were repealed by Act Sept 21, 1922, c 356, title IV, § 643, post, § 5841i-2 See, also, §§ 619, 620 of the "Tariff Act of 1922," post, §§ 5841h-39, 5841h-40

§§ 5803, 5804. [Repealed.]

These sections (Act June 22, 1874, c 391, §§ 15, 19, 18 Stat 189, 190) were repealed by Act Sept 21, 1922, c. 356, title IV, § 643, post, § 5841i-2. See, also, §§ 616, 617 of the "Tariff Act of 1922," post, §§ 5841h-36, 5841h-37.

Chapter Eleven—Provisions Applying to Commerce with Contiguous Countries

§§ 5807-5820. [Repealed.]

These sections (R S §§ 3095-3108) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841-1 See, also, §§ 459-464 of the "Tariff Act of 1922," post, §§ 5841e-28 to 5841e-33

§ 5822. [Repealed.]

This section (R S § 3110) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841-1

§ 5826. Duty on equipments or repair parts for vessels—The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel and furniture, shall be seized and forfeited (R S § 3114, amended, Sept. 21, 1922, c. 356, title IV, § 466, 42 Stat 957.)

This section was amended by Act Sept 21, 1922, c 356, tit. IV, § 466, cited above, by striking out, after the words "foreign and coasting trade," the words "on the northern, northeastern, and northwestern frontiers of the United States."

§ 5827. Remission for necessary repairs—If the owner or master of such vessel, however, furnishes good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. (R. S. § 3115, amended, Sept. 21, 1922, c. 356, title IV, § 466, 42 Stat. 957.)

For this section prior to its amendment by Act Sept 21, 1922, c. 356, tit. IV, § 466, see U. S Comp. St. 1918, § 5827.

§§ 5832, 5833. [Repealed.]

These sections (R. S §§ 3120, 3121) were repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841-1

§ 5835. [Repealed.]

This section (R S. § 3123) was repealed by Act Sept 21, 1922, c 356, title IV, § 642, post, § 5841-1

§§ 5840, 5841. [Repealed.]

These sections (R S. §§ 3128, 3129) were repealed by Act Sept. 21, 1922, c. 356, title IV, § 642, post, § 5841-1.

TITLE XXXIV A—TARIFF ACT OF 1922

This title consists of Act Sept. 21, 1922, c 356, 42 Stat 858, cited as the "Tariff Act of 1922." Said act is divided into four titles as follows: Title I, "Dutiable List," § 1; Title II, "Free List," § 201, Title III, "Special Provisions," §§ 301-322, Title IV, "Customs Administration," §§ 401-647.

Title IV is divided into six parts, as follows Part 1, "Definitions," §§ 401, 402, Part 2, "Report, Entry, and Unlading of Vessels and Vehicles," §§ 431-466, Part 3, "Ascertainment, Collection, and Recovery of Duties," §§ 481-526, Part 4, "Transportation in Bond and Warehousing of Merchandise," §§ 551-565, Part 5, "Enforcement Provisions," §§ 581-623, Part 6, "Repealing Provisions," §§ 641-647

Because of the fact that this act is a complete enactment, and because it does not at all correspond in its arrangement with the arrangement of the laws in Titles XXXIII and XXXIV of the Revised Statutes, it is thought best to place the act here in its entirety, except those parts thereof which expressly amend other acts or parts of acts Proper references are made throughout Titles XXXIII and XXXIV to the sections thereof which have been repealed by this act.

Title I—Dutiable List

§ 5841a. Articles dutiable, and rates; schedules—On and after the day following the passage of this Act, except as otherwise specially provided for in this Act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila) the rates of duty which are prescribed by the schedules and paragraphs of the dutiable list of this title, namely:

SCHEDULE 1—CHEMICALS, OILS, AND PAINTS

Paragraph 1 Acids and acid anhydrides Acetic acid containing by weight not more than 65 per centum of acetic acid, three-fourths of 1 cent per pound, containing by weight more than 65 per centum, 2 cents per pound; acetic anhydride, 5 cents per pound; boric acid, 1½ cents per pound; chloroacetic acid, 5 cents per pound; citric acid, 17 cents per pound, lactic acid, containing by weight of lactic acid less than 30 per centum, 2 cents per pound, 30 per centum or more and less than 55 per centum, 4 cents per pound; and 55 per centum or more 9 cents per pound: Provided, That any lactic-acid anhydride present shall be determined as lactic acid and included as such: And provided further, That the duty on lactic acid shall not be less than 25 per centum ad valorem; tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per centum, 4 cents per pound; 50 per centum or more and not medicinal, 10 cents per pound, 50 per centum or more and medicinal, 20 cents per pound; tartaric acid, 6 cents per pound; arsenic acid, 3 cents per pound; gallic acid, 8 cents per pound; oleic acid or red oil, 1½ cents per pound; oxalic acid, 4 cents per pound; phosphoric acid, 2 cents per pound; pyrogallic acid, 12 cents per pound; stearic acid, 1½ cents per pound; and all other acids and acid anhydrides not specially provided for, 25 per centum ad valorem

Par 2. Acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene, chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol, monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per centum ad valorem.

Par. 3. Acetone, acetone oil, and ethyl methyl ketone, 25 per centum ad valorem.

Par. 4. Alcohol: Amyl, butyl, propyl, and fusel oil, 6 cents per pound; methyl or wood (or methanol), 12 cents per gallon; and ethyl for nonbeverage purposes only, 15 cents per gallon.

Par 5. All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing,

all the foregoing obtained naturally or artificially and not specially provided for, 25 per centum ad valorem

Par 6. Aluminum hydroxide or refined bauxite, one-half of 1 cent per pound, potassium aluminum sulphate or potash alum and ammonium aluminum sulphate or ammonia alum, three-fourths of 1 cent per pound, aluminum sulphate, alum cake or aluminous cake, containing not more than 15 per centum of alumina and more iron than the equivalent of one-tenth of 1 per centum of ferric oxide, three-tenths of 1 cent per pound; containing more than 15 per centum of alumina or not more iron than the equivalent of one-tenth of 1 per centum of ferric oxide, three-eighths of 1 cent per pound, all other aluminum salts and compounds not specially provided for, 25 per centum ad valorem

Par. 7 Ammonium carbonate and bicarbonate, 1½ cents per pound; ammonium chloride, 1¼ cents per pound; ammonium nitrate, 1 cent per pound, ammonium perchlorate and ammonium phosphate, 1½ cents per pound; ammonium sulphate, one-fourth of 1 cent per pound, liquid anhydrous ammonia, 2½ cents per pound.

Par. 8. Antimony: Oxide, 2 cents per pound; tartar emetic or potassium-antimony tartrate, 6 cents per pound; sulphides and other antimony salts and compounds, not specially provided for, 1 cent per pound and 25 per centum ad valorem

Par 9 Argols, tartar, and wine lees, crude or partly refined, containing not more than 90 per centum of potassium bitartrate, 5 per centum ad valorem; containing more than 90 per centum of potassium bitartrate, 5 cents per pound, cream of tartar, Rochelle salts or potassium-sodium tartrate, 5 cents per pound; calcium tartrate, crude, 5 per centum ad valorem.

Par 10. Balsams: Copaiba, fir or Canada, Peru, tolu, tyrax, and all other balsams, all the foregoing which are natural and uncompounded, 10 per centum ad valorem: Provided, That no article containing alcohol shall be classified for duty under this paragraph.

Par 11. Gums: Amber and amberoid unmanufactured, not specially provided for, $1 per pound; arabic or senegal, ½ cent per pound

Par. 12. Barium carbonate, precipitated, 1 cent per pound; barium chloride, 1¼ cents per pound; barium dioxide, 4 cents per pound; barium hydroxide, 1¼ cents per pound; and barium nitrate, 2 cents per pound.

Par. 13. Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for, 25 per centum ad valorem: Provided, That no preparations containing alcohol shall be classified for duty under this paragraph.

Par 14. Bleaching powder or chlorinated lime, three-tenths of 1 cent per pound.

Par. 15 Caffeine, $1.50 per pound; compounds of caffeine, 25 per centum ad valorem; impure tea, tea waste, tea siftings and sweepings, for manufacturing purposes in bond, pursuant to the provisions of the Act of May 16, 1908, entitled "An Act to amend an Act to prevent the importation of impure and unwholesome tea, approved March 2, 1897," and the Act of May 31, 1920, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921," 1 cent per pound.

Par. 16. Calcium carbide, 1 cent per pound.

Par. 17. Calomel, corrosive sublimate, and other mercurial preparations, 45 per centum ad valorem.

Par. 18. Carbon tetrachloride, 2½ cents per pound; chloroform, 6 cents per pound; tetrachloroethane and trichloroethylene, 35 per centum ad valorem.

Par. 19. Casein or lactarene, 2½ cents per pound.

Par. 20. Chalk or whiting or Paris white: Dry, ground, bolted, or precipitated, 25 per centum ad valorem; ground in oil (putty), three-fourths of 1 cent per pound, put up in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, and manufactures of chalk not specially provided for, 25 per centum ad valorem.

Par. 21. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, 25 per centum ad valorem

Par. 22. Chemical compounds, salts, and mixtures of bismuth, 35 per centum ad valorem.

Par. 23. Chemicals, drugs, medicinal and similar substances, whether dutiable or free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders put up in medicinal doses, shall be dutiable at not less than 25 per centum ad valorem

Par. 24 Chemical elements, and chemical and medicinal compounds, preparations, mixtures, and salts, distilled or essential oils, expressed or extracted oils, animal oils and greases, ethers and esters, flavoring and other extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations when containing alcohol, and all articles consisting of vegetable or mineral objects immersed or placed in, or saturated with, alcohol, except perfumery and spirit varnishes, and all alcoholic compounds not specially provided for, if containing 20 per centum of alcohol or less, 20 cents per pound and 25 per centum ad valorem, containing more than 20 per centum and not more than 50 per centum of alcohol, 40 cents per pound and 25 per centum ad valorem, containing more than 50 per centum of alcohol, 80 cents per pound and 25 per centum ad valorem.

Par. 25. Chicle, crude, 10 cents per pound; refined or advanced in value by drying, straining, or any other process or treatment whatever beyond that essential to the proper packing, 15 cents per pound

Par 26. Chloral hydrate, terpin hydrate, thymol, urea, and glycerophosphoric acid, and salts and compounds of glycerophosphoric acid, 35 per centum ad valorem.

Par. 27. Coal-tar products: Acetanilide not suitable for medicinal use, alpha-naphthol, aminobenzoic acid, aminonapthol, aminophenetole, aminophenol, aminosalicylic acid, aminoanthraquinone, aniline oil, aniline salt, anthraquinone, arsanilic acid, benzaldehyde not suitable for medicinal use, benzal chloride, benzanthrone, benzidine, benzidine sulfate, benzoic acid not suitable for medicinal use, benzoquinone, benzoyl chloride, benzyl chloride, benzylethylaniline, betanaphthol not suitable for medicinal use, bromobenzene, chlorobenzene, chlorophthalic acid, cinnamic acid, cumidine, dehydrothiotoluidine, diaminostilbene, dianisidine, dichlorophthalic acid, dimethylaniline, dimethylaminophenol, dimethylphenylbenzylammonium hydroxide, dimethylphenylenediamine, dinitrobenzene, dinitrochlorobenzene, dinitronaphthalene, dinitrophenol, dinitrotoluene, dihydroxynaphthalene, diphenylamine, hydroxyphenylarsinic acid, metanilic acid, methylanthraquinone, naphthylamine, naphthylenediamine, nitroaniline, nitroanthraquinone, nitrobenzaldehyde, nitrobenzene, nitronaphthalene, nitrophenol, nitrophenylenediamine, nitrosodimethylaniline, nitrotoluene, nitrotoluylenediamine, phenol, phenylenediamine, phenylhydrazine, phenylnaphthylamine, phenylglycine, phenylglycineortho-carboxylic acid, phthalic acid, phthalic anhydride, phthalimide, quinaldine, quinoline, resorcinol not suitable for medicinal use, salicylic acid and its salts not suitable for medicinal use, sulfanilic acid, thiocarbanilide, thiosalicylic acid, tetrachlorophthalic acid, tetramethyldiaminobenzophenone, tetramethyldiaminodiphenylmethane, toluene sulfochloride, toluene sulfonamide, tribromophenol, to-

luidine, toluidine, tolylenediamine, xylidine, anthracene having a purity of 30 per centum or more, carbazole having a purity of 65 per centum or more, metacresol having a purity of 90 per centum or more, naphthalene which after the removal of all water present has a solidifying point of seventy-nine degrees centigrade or above, orthocresol having a purity of 90 per centum or more, paracresol having a purity of 90 per centum or more, all the foregoing products in this paragraph whether obtained, derived, or manufactured from coal tar or other source, all distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids equal to or more than 5 per centum of the original distillate or which on being subjected to distillation yield in the portion distilling below two hundred and fifteen degrees centigrade a quantity of tar acids equal to or more than 75 per centum of the original distillate; all similar products by whatever name known, which are obtained, derived, or manufactured in whole or in part from any of the products provided for in this paragraph, or from any of the products provided for in paragraph 1549, all mixtures, including solutions, consisting in whole or in part of any of the foregoing products provided for in this paragraph, except sheep dip and medicinal soaps, all the foregoing products provided for in this paragraph, not colors, dyes, or stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, indoxyl compounds, ink powders, photographic chemicals, medicinals, synthetic aromatic or odoriferous chemicals, synthetic resinlike products, synthetic tanning materials or explosives, and not specially provided for in paragraph 28 or 1549, 40 per centum ad valorem based upon the American selling price (as defined in subdivision (f) of section 402, Title IV) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound: Provided, That for a period of two years beginning on the day following the passage of this Act the ad valorem rate of duty shall be 55 per centum instead of 40 per centum. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d) of section 402, Title IV. For the purposes of this paragraph any coal-tar product provided for in this Act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: Provided, That no duty imposed under this paragraph shall be increased under the provisions of section 315.

Par. 28. Coal-tar products: All colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-compounds, whether colorless or not, indoxyl and indoxyl compounds; ink powders, photographic chemicals; acetanilide suitable for medicinal use, acetphenetidine, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, beta-naphthol suitable for medicinal use, guaiacol and its derivatives, phenolphthalein, resorcinol suitable for medicinal use, salicylic acid and its salts suitable for medicinal use, salol, and other medicinals; sodium benzoate; saccharin; artificial musk, benzyl acetate, benzyl benzoate, coumarin, diphenyloxide, methyl anthranilate, methyl salicylate, phenylacetaldehyde, phenylethyl alcohol, and other synthetic odoriferous or aromatic chemicals, including flavors, all of these products not marketable as perfumery, cosmetics, or toilet preparations, and not mixed and not compounded, and not containing alcohol; synthetic phenolic resin and all resinlike products prepared from phenol, cresol, phthalic anhydride, coumarone, indene, or from any other article or material provided for in paragraph 27 or 1549, all of these products whether in a solid, semisolid, or liquid condition, synthetic tanning materials; picric acid, trinitrotoluene, and other explosives except smokeless powders; all of the foregoing products provided for in this paragraph when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1549; natural alizarin and natural indigo, and colors dyes, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo, natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin, natural guaiacol and its derivatives, and all mixtures, including solutions, consisting in whole or in part of any of the articles or materials provided for in this paragraph, excepting mixtures of synthetic odoriferous or aromatic chemicals, 45 per centum ad valorem based upon the American selling price (as defined in subdivision (f) of section 402, Title IV) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound Provided, That for a period of two years beginning on the day following the passage of this Act the ad valorem rate of duty shall be 60 per centum instead of 45 per centum If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d) of section 402, Title IV For the purposes of this paragraph any coal-tar product provided for in this Act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner Provided, That no duty imposed under this paragraph shall be increased under the provisions of section 315: Provided, That the specific duty of 7 cents per pound herein provided for on colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-compounds, indoxyl, and indoxyl compounds, shall be based on standards of strength which shall be established by the Secretary of the Treasury, and that upon all importations of such articles which exceed such standards of strength the specific duty of 7 cents per pound shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength pay a specific duty of less than 7 cents per pound: Provided further, That beginning six months after the date of passage of this Act it shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound unless the immediate container and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound contained therein. Provided further, That on and after the passage of this Act it shall be unlawful to import or bring into the United States any such color, dye, stain, color acid, color base, color lake, leuco-compound, indoxyl, or indoxyl compound, if the immediate container or the invoice bears any statement, design, or device regarding the article or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular: Provided further, That in the enforcement of the foregoing

provisos in this paragraph the Secretary of the Treasury shall adopt a standard of strength for each dye or other article which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914; that if a dye or other article has been introduced into commercial use since said date then the standard of strength for such dye or other article shall conform as nearly as practicable to the commercial strength in ordinary use, that if a dye or other article was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other article Provided further, That any article or product which is within the terms of paragraph 1, 5, 38, 40, 61, 68, 84, or 1585, as well as within the terms of paragraph 27, 28, or 1549, shall be assessed for duty or exempted from duty as the case may be under paragraph 27, 28, or 1549

Par 29 Cobalt: Oxide, 20 cents per pound; sulphate and linoleate, 10 cents per pound; and all other cobalt salts and compounds, 30 per centum ad valorem.

Par 30 Cellulose esters, collodion and other liquid solutions of pyroxylin, of other cellulose esters or ethers, or of cellulose, 35 cents per pound

Par 31 Compounds of pyroxylin, of other cellulose esters or ethers, or of cellulose, by whatever name known (except compounds of cellulose known as vulcanized or hard fiber), in blocks, sheets, rods, tubes, or other forms, and not made into finished or partly finished articles, 40 cents per pound; made into finished or partly finished articles, of which any of the foregoing is the component material of chief value, 60 per centum ad valorem Provided, That all such articles (except photographic and moving-picture films), whether or not more specifically provided for elsewhere, shall be dutiable under this paragraph.

Par 32. Compounds of cellulose, known as vulcanized or hard fiber, made wholly or in chief value of cellulose, 35 per centum ad valorem

Par 33 Compounds of casein, known as galalith, or by any other name, in blocks, sheets, rods, tubes, or other forms, not made into finished or partly finished articles, 25 cents per pound; made into finished or partly finished articles of which any of the foregoing is the component material of chief value not specially provided for, 40 cents per pound and 25 per centum ad valorem.

Par. 34 Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, herbs, leaves, lichens, mosses, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and all other drugs of vegetable or animal origin; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per centum ad valorem: Provided, That the term "drug" wherever used in this Act shall include only those substances having therapeutic or medicinal properties and chiefly used for medicinal purposes: And provided further, That no article containing alcohol shall be classified for duty under this paragraph.

Par. 35. Aconite, aloes, asafetida, cocculus indicus, ipecac, jalap, manna: marshmallow or althea root, leaves and flowers; maté, and pyrethrum or insect flowers, all the foregoing which are natural and uncompounded, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, 10 per centum ad valorem. Provided, That no article containing alcohol shall be classified for duty under this paragraph

Par 36 Buchu leaves, 10 cents per pound, coca leaves, 10 cents per pound, gentian, one-fourth of 1 cent per pound, licorice root, one-half of 1 cent per pound; sarsaparilla root, 1 cent per pound, belladonna, digitalis, henbane, and stramonium, 25 per centum ad valorem

Par 37 Ergot, 10 cents per pound

Par 38 Ethers and esters Diethyl sulphate and dimethyl sulphate, 25 per centum ad valorem; ethyl acetate, 3 cents per pound, ethyl chloride, 15 cents per pound, ethyl ether, 4 cents per pound; and ethers and esters of all kinds not specially provided for, 25 per centum ad valorem· Provided, That no article containing more than 10 per centum of alcohol shall be classified for duty under this paragraph

Par 39. Extracts, dyeing and tanning: Chestnut, cutch, chlorophyll, divi-divi, fustic, hemlock, logwood, mangrove, myrobalan, oak, Persian berry, quebracho, sumac, saffron, safflower, saffron cake, valonia, wattle, and other extracts, decoctions, and preparations of vegetable origin used for dyeing, coloring, staining, or tanning, not specially provided for, and combinations and mixtures of the foregoing articles in this paragraph, 15 per centum ad valorem Provided, That no article containing alcohol shall be classified for duty under this paragraph

Par 40. Flavoring extracts and natural or synthetic fruit flavors, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for, 25 per centum ad valorem.

Par 41. Formaldehyde solution or formalin, 2 cents per pound; solid formaldehyde or paraformaldehyde, 8 cents per pound, and hexamethylenetetramine, 25 per centum ad valorem

Par 42 Edible gelatin, valued at less than 40 cents per pound, 20 per centum ad valorem and 3½ cents per pound; valued at 40 cents or more per pound, 20 per centum ad valorem and 7 cents per pound, gelatin, glue, glue size and fish glue, not specially provided for, valued at less than 40 cents per pound, 20 per centum ad valorem and 1½ cents per pound; valued at 40 cents or more per pound, 20 per centum ad valorem and 7 cents per pound, casein glue, agar agar, isinglass and other fish sounds, cleaned, split, or otherwise prepared, and manufactures, wholly or in chief value of gelatin, glue or glue size, 25 per centum ad valorem

Par. 43. Glycerine, crude, 1 cent per pound; refined, 2 cents per pound.

Par 44. Ink, and ink powders not specially provided for, 20 per centum ad valorem.

Par 45. Iodine, resublimed, 20 cents per pound.

Par. 46. Bromine and all bromine compounds not specially provided for, 10 cents per pound

Par 47 Lead: Acetate, white, 2½ cents per pound, acetate, brown, gray, or yellow, 2 cents per pound, nitrate, arsenate, and resinate, 3 cents per pound, and all other lead compounds not specially provided for, 30 per centum ad valorem.

Par. 48. Licorice, extracts of, in pastes, rolls, or other forms, 25 per centum ad valorem.

Par 49. Lime, citrate of, 7 cents per pound.

Par. 50. Magnesium Carbonate, precipitated, 1½ cents per pound; chloride, anhydrous, 1 cent per pound; chloride, not specially provided for, five-eighths of 1 cent per pound; sulphate or Epsom salts, one-half of 1 cent per pound; oxide or calcined magnesia, medicinal, 3½ cents per pound, oxide or cal-

cined magnesia not suitable for medicinal use, 3½ cents per pound

Par 51. Manganese Borate, resinate, sulphate, and other manganese compounds and salts, not specially provided for, 25 per centum ad valorem

Par. 52 Menthol, 50 cents per pound, camphor, crude, natural, 1 cent per pound, camphor, refined or synthetic, 6 cents per pound

Par. 53. Oils, animal Sod, herring, and menhaden, 5 cents per gallon, whale and seal, 6 cents per gallon, sperm, 10 cents per gallon, and all fish oils, not specially provided for, 20 per centum ad valorem; wool grease, crude, including that known commercially as degras or brown wool grease, one-half of 1 cent per pound, wool grease, not crude, including adeps lanæ, hydrous and anhydrous, 1 cent per pound, all other animal oils, fats, and greases, not specially provided for, 20 per centum ad valorem.

Par. 54. Oils, expressed or extracted: Castor oil, 3 cents per pound, hempseed oil, 1½ cents per pound; linseed or flaxseed oil, raw, boiled, or oxidized, 3 1/10 cents per pound; olive oil, weighing with the immediate container less than forty pounds, 7½ cents per pound on contents and container, olive oil, not specially provided for, 6½ cents per pound; poppy-seed oil, raw, boiled, or oxidized, 2 cents per pound, rapeseed oil, 6 cents per gallon; all other expressed and extracted oils, not specially provided for, 20 per centum ad valorem.

Par. 55 Coconut oil, 2 cents per pound; cottonseed oil, 3 cents per pound, peanut oil, 4 cents per pound; and soya-bean oil, 2½ cents per pound.

Par. 56 Alizarin assistant, Turkey red oil, sulphonated castor or other sulphonated animal or vegetable oils, soaps made in whole or in part from castor oil, and all soluble greases; all of the foregoing in whatever form, and used in the processes of softening, dyeing, tanning, or finishing, not specially provided for, 35 per centum ad valorem

Par. 57. Hydrogenated or hardened oils and fats, 4 cents per pound; other oils and fats, the composition and properties of which have been changed by vulcanizing, oxidizing, chlorinating, nitrating, or any other chemical process, and not specially provided for, 20 per centum ad valorem

Par. 58 Combinations and mixtures of animal, vegetable, or mineral oils or of any of them (except combinations or mixtures containing essential or distilled oils), with or without other substances, and not specially provided for, 25 per centum ad valorem: Provided, That no article containing alcohol shall be classified for duty under this paragraph.

Par. 59 Oils, distilled or essential. Lemon and orange, 25 per centum ad valorem, clove, eucalyptus, peppermint, patchouli, sandalwood, and all other essential and distilled oils not specially provided for, 25 per centum ad valorem. Provided, That no article mixed or compounded or containing alcohol shall be classified for duty under this paragraph.

Par. 60. Opium containing not less than 8.5 per centum of anhydrous morphine, crude or unmanufactured and not adulterated, $3 per pound; powdered, or otherwise advanced beyond the condition of crude or unmanufactured, and containing 15 per centum or less of moisture, $4 per pound; morphine, morphine sulphate, and all opium alkaloids and salts, esters, and other derivatives thereof, $3 per ounce; cocaine, ecgonine, and salts, esters, and other derivatives thereof, $2.60 per ounce; tincture of opium, such as laudanum, and other liquid preparations of opium, not specially provided for, 60 per centum ad valorem; opium containing less than 8.5 per centum of anhydrous morphine, $6 per pound: Provided, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended by an act approved January 17, 1914

Par 61 Perfume materials: Ambergris, castoreum, civet, and musk grained or in pods, 20 per centum ad valorem; anethol, citral, geraniol, heliotropin, ionone, rhodinol, safrol, terpineol, vanillin, and all natural or synthetic odoriferous or aromatic chemicals, all the foregoing not mixed and not compounded, and not specially provided for, 45 per centum ad valorem, all mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances, 40 cents per pound and 50 per centum ad valorem. Provided, That only materials not marketable as perfumery, cosmetics, or toilet preparations, and not containing more than 10 per centum of alcohol, shall be classified for duty under this paragraph: Provided further, That all of the foregoing materials containing more than 10 per centum of alcohol shall be classified for duty under paragraph 62 as toilet preparations

Par. 62 Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentrifices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations, all the foregoing if containing alcohol, 40 cents per pound and 75 per centum ad valorem; if not containing alcohol, 75 per centum ad valorem.

Par. 63 Floral or flower waters containing no alcohol, not specially provided for, 20 per centum ad valorem, bay rum or bay water, whether distilled or compounded, 40 cents per pound and 60 per centum ad valorem

Par 64. Paris green and London purple, 15 per centum ad valorem

Par. 65. Phosphorus, 8 cents per pound

Par. 66. Plasters, healing or curative, of all kinds, and courtplaster, 20 per centum ad valorem.

Par. 67. Paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, cakes, jars, pans, or other forms, and not assembled in paint sets, kits, or color outfits, 40 per centum ad valorem; paints, colors, and pigments in tubes, cakes, jars, pans, or other forms, when assembled in paint sets, kits, or color outfits, with or without brushes, water pans, outline drawing, stencils, or other articles, 70 per centum ad valorem

Par 68. Pigments, colors, stains, and paints, including enamel paints, whether dry, mixed, or ground in or mixed with water, oil, or solutions other than oil, not specially provided for, 25 per centum ad valorem.

Par. 69. Barytes ore, crude or unmanufactured, $4 per ton; ground or otherwise manufactured, $7 50 per ton; precipitated barium sulphate or blanc fixe, 1 cent per pound.

Par. 70. Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound; ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine, 3 cents per pound.

Par 71. Bone black or bone char, blood char, and decolorizing and deodorizing chars or carbons, 20 per centum ad valorem.

Par. 72. Chrome yellow, chrome green, and other colors containing chromium, in pulp, dry, or ground in or mixed with oil or water, 25 per centum ad valorem

Par. 73. Gas black, lampblack, and all other black pigments, by whatever name known, dry or ground in or mixed with oil or water, and not specially provided for, 20 per centum ad valorem.

Par. 74. Lead pigments: Litharge, 2½ cents per pound; orange mineral, 3 cents per pound; red lead,

2¾ cents per pound; white lead, 2½ cents per pound; all pigments containing lead, dry or in pulp, or ground in or mixed with oil or water, not specially provided for, 30 per centum ad valorem

Par. 75. Ochers, siennas, and umbers, crude or not ground, one-eighth of 1 cent per pound, washed or ground, three-eighths of 1 cent per pound, iron-oxide and iron-hydroxide pigments not specially provided for, 20 per centum ad valorem.

Par 76 Satin white and precipitated calcium sulphate, one-half of 1 cent per pound

Par. 77. Spirit varnishes containing less than 5 per centum of methyl alcohol, $2 20 per gallon and 25 per centum ad valorem, spirit varnishes containing 5 per centum or more of methyl alcohol, and all other varnishes, including so-called gold size or japan, not specially provided for, 25 per centum ad valorem

Par 78. Vermilion reds containing quicksilver, dry or ground in or mixed with oil or water, 28 cents per pound.

Par 79 Zinc oxide and leaded zinc oxides containing not more than 25 per centum of lead, in any form of dry powder, 1¾ cents per pound; ground in or mixed with oil or water, 2¼ cents per pound, lithopone, and other combinations or mixtures of zinc sulphide and barium sulphate, 1¾ cents per pound.

Par 80 Potassium Cromate and dichromate, 2¼ cents per pound; chlorate and perchlorate, 1½ cents per pound, ferricyanide or red prussiate of potash, 7 cents per pound; ferrocyanide or yellow prussiate of potash, 4 cents per pound, iodide, 25 cents per pound; bromide, 10 cents per pound; bicarbonate, 1½ cents per pound; carbonate, three-fourths of 1 cent per pound; hydroxide or caustic potash, 1 cent per pound; nitrate or saltpeter, refined, one-half of 1 cent per pound, and permanganate, 4 cents per pound.

Par 81. Santonin, and salts of, 75 cents per pound

Par 82. Soap. Castile, 15 per centum ad valorem, toilet, 30 per centum ad valorem; all other soap and soap powder not specially provided for, 15 per centum ad valorem.

Par 83. Sodium. Arsenate, 1 cent per pound, bicarbonate or baking soda, one-fourth of 1 cent per pound; borate or borax, refined, one-eighth of 1 cent per pound, bromide, 10 cents per pound, carbonate, calcined, or soda ash, hydrated or sal soda, and monohydrated, one-fourth of 1 cent per pound; chlorate, 1½ cents per pound, chloride or salt, in bags, sacks, barrels, or other packages, 11 cents per one hundred pounds, in bulk, 7 cents per one hundred pounds; chromate and dichromate, 1¾ cents per pound; formate, 2 cents per pound; ferrocyanide or yellow prussiate of soda, 2 cents per pound; hydroxide or caustic soda, one-half of 1 cent per pound; nitrite, 3 cents per pound; phosphate, one-half of 1 cent per pound; sesquicarbonate, one-fourth of 1 cent per pound; sulphate, crystallized, or Glauber salt, $1 per ton; sulphate, anhydrous, $2 per ton; sulphide, containing not more than 35 per centum of sodium sulphide, three-eighths of 1 cent per pound; containing more than 35 per centum, three-fourths of 1 cent per pound; silicate sulphite, bisulphite, metabisulphite, and thiosulphate, three-eighths of 1 cent per pound

Par. 84. Sodium hydrosulphite, hydrosulphite compounds, sulphoxylate compounds, and all combinations and mixtures of the foregoing, 35 per centum ad valorem.

Par. 85. Starch: Potato, 1¾ cents per pound; and all other starches not specially provided for, 1 cent per pound.

Par 86. Dextrine, made from potato starch or potato flour, 2¼ cents per pound; dextrine, not otherwise provided for, burnt starch or British gum, dextrine substitutes, and soluble or chemically treated starch, 1¼ cents per pound.

Par 87. Strontium Carbonate, precipitated, nitrate, and oxide, 25 per centum ad valorem.

Par. 88. Strychnine, and salts of, 15 cents per ounce.

Par 89 Thorium nitrate, thorium oxide, and other salts of thorium not specially provided for, cerium nitrate, cerium fluoride, and other salts of cerium not specially provided for, and gas-mantle scrap consisting in chief value of metallic oxides, 35 per centum ad valorem.

Par. 90 Tin bichloride, tin tetrachloride, and all other chemical compounds, mixtures, and salts, of which tin constitutes the element of chief value, 25 per centum ad valorem

Par. 91 Titanium potassium oxalate, and all compounds and mixtures containing titanium, 30 per centum ad valorem.

Par. 92 Vanilla beans, 30 cents per pound; tonka beans, 25 cents per pound

Par 93 Zinc chloride, $1^3/_{10}$ cents per pound; zinc sulphate, three-fourths of 1 cent per pound; and zinc sulphide, 1½ cents per pound

SCHEDULE 2—EARTH, EARTHENWARE, AND GLASSWARE

Par 201. Bath brick, chrome brick, and fire brick, not specially provided for, 25 per centum ad valorem, magnesite brick, three-fourths of 1 cent per pound and 10 per centum ad valorem.

Par 202. Tiles, unglazed, glazed, ornamented, hand painted, enameled, vitrified, semivitrified, decorated, encaustic, ceramic mosaic, flint, spar, embossed, gold decorated, grooved or corrugated, and all other earthenware tiles and tiling by whatever name known, except pill tiles and so-called quarries or quarry tiles, red or brown, and measuring seven-eighths of an inch or over in thickness, but including tiles wholly or in part of cement valued at nor more than 40 cents per square foot, 8 cents per square foot, but not less than 45 nor more than 60 per centum ad valorem, valued at more than 40 cents per square foot, 50 per centum ad valorem, mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthenware tiles or tiling, except pill tiles, 50 per centum ad valorem; so-called quarries or quarry tiles, red or brown, and measuring seven-eighths of an inch or over in thickness, 3 cents per square foot, but not less than 30 per centum ad valorem.

Par. 203. Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pulverized, 5 cents per one hundred pounds, lime, not specially provided for, 10 cents per one hundred pounds, including the weight of the container, hydrated lime, 12 cents per one hundred pounds, including the weight of the container.

Par. 204. Crude magnesite, five-sixteenths of 1 cent per pound; caustic calcined magnesite, five-eighths of 1 cent per pound; dead burned and grain magnesite, not suitable for manufacture into oxychloride cements, twenty-three fortieths of 1 cent per pound.

Par. 205. Plaster rock or gypsum, ground or calcined, $1.40 per ton; white nonstaining Portland cement, 8 cents per one hundred pounds, including the weight of the container; Keene's cement, and other cement of which gypsum is the component material of chief value, valued at $14 per ton or less, $3 50 per ton; valued above $14 and not above $20 per ton, $5 per ton; valued above $20 and not above $40 per ton, $10 per ton; valued above $40 per ton, $14

per ton; other cement, not specially provided for, 20 per centum ad valorem

Par 206. Pumice stone, unmanufactured, valued at $15 or less per ton, one-tenth of 1 cent per pound, valued at more than $15 per ton, one-fourth of 1 cent per pound; wholly or partly manufactured, fifty-five one-hundredths of 1 cent per pound, manufactures of pumice stone, or of which pumice stone is the component material of chief value, not specially provided for, 35 per centum ad valorem

Par 207. Clays or earths, unwrought or unmanufactured, including common blue clay and Gross-Almerode glass pot clay, not specially provided for, $1 per ton, wrought or manufactured, not specially provided for, $2 per ton, china clay or kaolin, $2 50 per ton; bauxite, crude, not refined or otherwise advanced in condition in any manner $1 per ton, fuller's earth, unwrought and unmanufactured, $1 50 per ton; wrought or manufactured, $3 25 per ton, silica, crude, not specially provided for $4 per ton; silica, suitable for use as a pigment, not specially provided for, $7 50 per ton; fluorspar, $5 60 per ton.

Par 208 Mica, unmanufactured, valued at not above 15 cents per pound, 4 cents per pound, valued above 15 cents per pound, 25 per centum ad valorem, mica, cut or trimmed, and mica splittings, 30 per centum ad valorem, mica plates, and built-up mica, and all manufactures of mica or of which mica is the component material of chief value, 40 per centum ad valorem; ground mica, 20 per centum ad valorem

Par 209. Talc, steatite or soapstone, and French chalk, crude and unground, one-fourth of 1 cent per pound; ground, washed, powdered, or pulverized (except toilet preparations), 25 per centum ad valorem; cut or sawed, or in blanks, crayons, cubes, disks, or other forms, 1 cent per pound; manufactures (except toilet preparations), of which talc, steatite or soapstone, or French chalk is the component material of chief value, wholly or partly finished, and not specially provided for, if not decorated, 35 per centum ad valorem; if decorated, 45 per centum ad valorem.

Par. 210 Common yellow, brown, or gray earthenware made of natural, unwashed, and unmixed clay, plain or embossed, common salt-glazed stoneware; stoneware and earthenware crucibles, all the foregoing not ornamented, incased, or decorated in any manner, 15 per centum ad valorem; ornamented, incised, or decorated in any manner and manufactures wholly or in chief value of such ware, not specially provided for, 20 per centum ad valorem; and Rockingham earthenware, 25 per centum ad valorem

Par. 211. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 45 per centum ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for, 50 per centum ad valorem.

Par. 212. China, porcelain, and other vitrified wares, including chemical porcelain ware and chemical stoneware, composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware, plain white, or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 60 per centum ad valorem, painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 70 per centum ad valorem, any of the foregoing articles containing 25 per centum or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per centum ad valorem, painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per centum ad valorem.

Par. 213. Graphite or plumbago, crude or refined: Amorphous, 10 per centum ad valorem; crystalline lump, chip, or dust, 20 per centum ad valorem, crystalline flake, 1½ cents per pound As used in this paragraph, the term "crystalline flake" means graphite or plumbago which occurs disseminated as a relatively thin flake throughout its containing rock, decomposed or not, and which may be or has been separated therefrom by ordinary crushing, pulverizing, screening, or mechanical concentration process, such flake being made up of a number of parallel laminæ, which may be separated by mechanical means

Par 214. Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, if not decorated in any manner, 30 per centum ad valorem; if decorated, 40 per centum ad valorem.

Par. 215 Gas retorts, 20 per centum ad valorem; lava tips for burners, 10 cents per gross and 15 per centum ad valorem; and magnesia clay supporters, consisting of rings, rods, and other forms for gas mantles, 35 per centum ad valorem.

Par. 216 Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light; electrodes, composed wholly or in part of carbon or graphite, and wholly or partly manufactured, for electric furnace or electrolytic purposes; brushes, of whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances, plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes, and articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for, 45 per centum ad valorem.

Par. 217. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not specially provided for, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof, which shall be dutiable at the rate applicable to their contents), shall pay duty as follows: If holding more than one pint, 1 cent per pound; if holding not more than one pint and not less than one-fourth of a pint, 1½ cents per pound; if holding less than one-fourth of a pint, 50 cents per gross: Provided, That the terms "bottles," "vials," "jars," "demijohns," and "carboys," as used herein, shall be restricted to such articles when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise, and not as appliances or implements in

chemical or other operations, and shall not include bottles for table service and thermostatic bottles

Par 218 Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, utensils, tubing and rods, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all of the foregoing, finished or unfinished, composed wholly or in chief value of glass or paste, or a combination of glass and paste, 65 per centum ad valorem, illuminating articles of every description, including chimneys, globes, shades, and prisms, for use in connection with artificial illumination, all of the foregoing, finished or unfinished, composed wholly or in chief value of glass or paste, or a combination of glass and paste, 60 per centum ad valorem, all glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same, 60 per centum ad valorem, table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass or paste, or combinations of glass and paste, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free, 55 per centum ad valorem; table and kitchen articles and utensils, composed wholly or in chief value of glass or paste, or a combination of glass and paste, when pressed and unpolished, whether not decorated or ornamented in any manner or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), whether filled or unfilled, or whether their contents be dutiable or free, 50 per centum ad valorem; Provided, That any of the articles specified in this paragraph, if containers of merchandise subject to an ad valorem rate of duty or to a rate of duty based in whole or in part upon the value thereof, shall be dutiable at the rate applicable to their contents, but not less than the rate provided for in this paragraph: Provided further, That for the purposes of this Act, bottles with cut-glass stoppers shall with their stoppers be deemed entireties.

Par. 219. Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used, unpolished, not exceeding one hundred and fifty square inches, 1¼ cents per pound; above that, and not exceeding three hundred and eighty-four square inches, 1⅜ cents per pound; above that, and not exceeding seven hundred and twenty square inches, 1⅝ cents per pound; above that, and not exceeding eight hundred and sixty-four square inches, 1¾ cents per pound; above that, and not exceeding one thousand two hundred square inches, 2 cents per pound; above that, and not exceeding two thousand four hundred square inches, 2¼ cents per pound; above that, 2½ cents per pound: Provided, That unpolished cylinder, crown, and sheet glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

Par. 220. Cylinder, crown, and sheet glass, by whatever process made, polished, not exceeding three hundred and eighty-four square inches, 4 cents per square foot; above that, and not exceeding seven hundred and twenty square inches, 6 cents per square foot; above that, and not exceeding one thousand four hundred and forty square inches, 12 cents per square foot; above that, 15 cents per square foot.

Par. 221. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself (not including crown, cylinder, or sheet glass), not exceeding three hundred and eighty-four square inches, three-fourths of 1 cent per square foot, all above that, 1½ cents per square foot, and all fluted, rolled, ribbed, or rough plate glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed: Provided, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

Par. 222 Cast polished plate glass, finished or unfinished, and unsilvered, not exceeding three hundred and eighty-four square inches, 12½ cents per square foot, above that, and not exceeding seven hundred and twenty square inches, 15 cents per square foot; all above that, 17½ cents per square foot Plate glass described in this paragraph containing a wire netting within itself, not exceeding three hundred and eighty-four square inches, 15 cents per square foot, above that, and not exceeding seven hundred and twenty square inches, 17½ cents per square foot, all above that, 20 cents per square foot.

Par. 223. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates, exceeding in size one hundred and forty-four square inches and not exceeding three hundred and eighty-four square inches, 13½ cents per square foot, above that, and not exceeding seven hundred and twenty square inches, 16 cents per square foot; all above that, 21 cents per square foot· Provided, That none of the foregoing shall pay less duty than 35 per centum ad valorem: Provided further, That no looking-glass plates or glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate

Par 224. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, and sheet glass, by whatever process made, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated, shall be subject to a duty of 5 per centum ad valorem in addition to the rates otherwise chargeable thereon.

Par 225. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished, or unfinished, valued at not over 65 cents per dozen, 20 cents per dozen and 15 per centum ad valorem; valued at over 65 cents per dozen and not over $2 50 per dozen, 60 cents per dozen and 20 per centum ad valorem; valued at over $2 50 per dozen, 40 per centum ad valorem

Par. 226. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, with the edges unground, 40 per centum ad valorem; with the edges ground or beveled, 10 cents per dozen pairs and 35 per centum ad valorem; strips of glass not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, 35 per centum ad valorem

Par. 227. Optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment, or for optical parts, scientific or commercial, in any and all forms, 45 per centum ad valorem.

Par. 228. Azimuth mirrors, sextants, and octants; photographic and projection lenses, opera and field glasses, telescopes, microscopes, and other optical

instruments, and frames and mountings for the same, all the foregoing not specially provided for, 45 per centum ad valorem

Par 229 Incandescent electric-light bulbs and lamps, with or without filaments, 20 per centum ad valorem

Par 230. Stained or painted glass windows, and parts thereof, and all mirrors, not specially provided for, not exceeding in size one hundred and forty-four square inches, with or without frames or cases, 50 per centum ad valorem, and all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value, not specially provided for, 50 per centum ad valorem

Par 231 Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized, 30 per centum ad valorem, in any other form, 40 per centum ad valorem, opal, enamel or cylinder glass tiles, tiling, and rods, 40 per centum ad valorem

Par. 232 Marble, breccia, and onyx, in block, rough or squared only, 65 cents per cubic foot, marble, breccia, and onyx, sawed or dressed, over two inches in thickness, $1 per cubic foot, slabs and paving tiles of marble, breccia, or onyx, containing not less than four superficial inches, if not more than one inch in thickness, 8 cents per superficial foot; if more than one inch and not more than one and one-half inches in thickness, 10 cents per superficial foot; if more than one and one-half inches and not more than two inches in thickness, 13 cents per superficial foot; if rubbed in whole or in part, 3 cents per superficial foot in addition, mosaic cubes of marble, breccia, or onyx, not exceeding two cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per centum ad valorem; if attached to paper or other material, 5 cents per superficial foot and 35 per centum ad valorem

Par 233 Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or any of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semi-precious stone, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for, 50 per centum ad valorem.

Par. 234. Burrstones, manufactured or bound up into millstones, 15 per centum ad valorem.

Par. 235. Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for, hewn, dressed, or polished, or otherwise manufactured, 50 per centum ad valorem; unmanufactured, or not dressed, hewn, or polished, 15 cents per cubic foot.

Par. 236. Grindstones, finished or unfinished, $1-75 per ton.

Par. 237. Slates, slate chimney pieces, mantles, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for, 15 per centum ad valorem.

Par. 238. Watch crystals, 60 per centum ad valorem.

SCHEDULE 3.—METALS AND MANUFACTURES OF

Par. 301. Iron in pigs, iron kentledge, spiegeleisen containing more than 1 per centum of carbon, 75 cents per ton; wrought and cast scrap iron, and scrap steel, valued at not more than 7 cents per pound, 75 cents per ton: Provided, That spiegeleisen for the purposes of this Act shall be an iron manganese alloy containing less than 30 per centum of manganese: Provided further, That nothing shall be deemed scrap iron or scrap steel except secondhand or waste or refuse iron or steel fit only to be remanufactured

Par 302 Manganese ore or concentrates containing in excess of 30 per centum of metallic manganese, 1 cent per pound on the metallic manganese contained therein, molybdenum ore or concentrates, 35 cents per pound on the metallic molybdenum contained therein, tungsten ore or concentrates, 45 cents per pound on the metallic tungsten contained therein, ferromanganese containing more than 1 per centum of carbon, 1⅞ cents per pound on the metallic manganese contained therein. Provided, That ferromanganese for the purposes of this Act shall be such iron manganese alloys as contain 30 per centum or more of manganese; manganese metal, manganese silicon, manganese boron, and ferromanganese and spiegeleisen containing not more than 1 per centum of carbon, 1⅞ cents per pound on the manganese contained therein and 15 per centum ad valorem, ferromolybdenum, metallic molybdenum, molybdenum powder, calcium molybdate, and all other compounds and alloys of molybdenum, 50 cents per pound on the molybdenum contained therein and 15 per centum ad valorem; ferrotungsten, metallic tungsten, tungsten powder, tungstic acid, and all other compounds of tungsten, 60 cents per pound on the tungsten contained therein and 25 per centum ad valorem, ferrochromium tungsten, chromium tungsten, chromium cobalt tungsten, tungsten nickel, and all other alloys of tungsten not specially provided for, 60 cents per pound on the tungsten contained therein and 25 per centum ad valorem, ferrosilicon, containing 8 per centum or more of silicon and less than 60 per centum, 2 cents per pound on the silicon contained therein; containing 60 per centum or more of silicon and less than 80 per centum, 3 cents per pound on the silicon contained therein, containing 80 per centum or more of silicon and less than 90 per centum, 4 cents per pound on the silicon contained therein, containing 90 per centum or more of silicon, and silicon metal, 8 cents per pound on the silicon contained therein, ferrochrome or ferrochromium containing 3 per centum or more of carbon, 3½ cents per pound on the chromium contained therein, ferrochrome or ferrochromium containing less than 3 per centum of carbon, and chrome or chromium metal, 30 per centum ad valorem; ferrophosphorus, ferrotitanium, ferrovanadium, ferrouranium, ferrozirconium, zirconium ferrosilicon, ferroboron, titanium, zirconium, chromium nickel, vanadium nickel, zirconium nickel, chromium vanadium, chromium silicon, zirconium silicon, calcium silicide, and all alloys used in the manufacture of steel not specially provided for, 25 per centum ad valorem, cerium metal, $2 per pound; ferrocerium and all other cerium alloys, $2 per pound and 25 per centum ad valorem; ductile tantalum metal or ductile nonferrous alloys of tantalum metal, 40 per centum ad valorem.

Par. 303. Muck bars, bar iron, and round iron in coils or rods, iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig iron, except castings; all of the foregoing, valued at not over 1 cent per pound, two-tenths of 1 cent per pound; valued above 1 cent and not above 1½ cents per pound, three-tenths of 1 cent per pound; valued above 1½ and not above 2½ cents per pound, five-tenths of 1 cent per pound; valued above 2½ and not above 3½ cents per pound, eight-tenths of 1 cent per pound; valued above 3½ and not above 5 cents per pound, 1 cent per pound; valued above 5 cents per pound, 1½ cents per pound.

Par. 304. Steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars, whether solid or hollow; shafting, pressed, sheared, or stamped shapes, not advanced in value or condition by any process or op-

eration subsequent to the process of stamping; hammer molds or swaged steel, gun-barrel molds not in bars; alloys not specially provided for used as substitutes for steel in the manufacture of tools, all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel not specially provided for; all of the foregoing valued at not over 1 cent per pound, two-tenths of 1 cent per pound; valued above 1 cent and not above 1½ cents per pound, three-tenths of 1 cent per pound, valued above 1½ and not above 2½ cents per pound, five-tenths of 1 cent per pound, valued above 2½ and not above 3½ cents per pound, eight-tenths of 1 cent per pound, valued above 3½ and not above 5 cents per pound, 1 cent per pound, valued above 5 and not above 8 cents per pound, 1⁷/₁₀ cents per pound, valued above 8 and not above 12 cents per pound, 2½ cents per pound, valued above 12 and not above 16 cents per pound, 3½ cents per pound, valued above 16 cents per pound, 20 per centum ad valorem: Provided, That on steel circular saw plates there shall be levied, collected and paid an additional duty of one-fourth of 1 cent per pound.

Par. 305. In addition to the rates of duty provided for in this schedule on steel in all forms and shapes, by whatever process made, and by whatever name designated, whether cast, hot or cold rolled, forged, stamped, or drawn, containing more than six-tenths of 1 per centum of nickel, cobalt, vanadium, chromium, tungsten, molybdenum, or any other metallic element used in alloying steel, there shall be levied, collected, and paid 8 per centum ad valorem: Provided, That manganese and silicon shall not be considered as alloying material unless present in the steel in excess of 1 per centum manganese or silicon: Provided further, That an additional cumulative duty of 65 cents per pound on the molybdenum content in excess of six-tenths of 1 per centum, and 72 cents per pound on the tungsten content in excess of six-tenths of 1 per centum shall be levied, collected, and paid on any material provided for in paragraph 304 containing molybdenum and tungsten.

Par. 306. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, electric, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel

Par. 307. Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than one hundred and nine one-thousandths of one inch, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, seven-twentieths of 1 cent per pound; valued above 1 cent per pound and not above 3 cents per pound, five-tenths of 1 cent per pound; valued at over 3 cents per pound, 20 per centum ad valorem: Provided, That all sheets or plates of iron or steel thinner than one hundred and nine one-thousandths of one inch shall pay duty as iron or steel sheets.

Par. 308 Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of an inch, forty-five one-hundredths of 1 cent per pound, thinner than thirty-eight one-thousandths and not thinner than twenty-two one-thousandths of an inch, fifty-five one-hundredths of 1 cent per pound, thinner than twenty-two one-thousandths and not thinner than ten one-thousandths of an inch, seventy-five one-hundredths of 1 cent per pound; thinner than ten one-thousandths of an inch, eighty-five one-hundredths of a cent per pound, corrugated or crimped, seventy-five one-hundredths of 1 cent per pound, all the foregoing when valued at more than 3 cents per pound, 20 per centum ad valorem Provided, That all sheets or plates of common or black iron or steel not thinner than one hundred and nine one-thousandths of an inch shall pay duty as plate iron or plate steel

Par 309 All iron or steel sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated, sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, 30 per centum ad valorem, thermostatic metal in sheets, plates, or other forms, 50 per centum ad valorem, sheets and plates of iron or steel, polished, planished, or glanced, by whatever name designated, 1¼ cents per pound Provided, That plates or sheets of iron or steel, by whatever name designated, other than polished, planished, or glanced, herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished, shall pay two-tenths of 1 cent per pound more duty than the rates provided on corresponding thicknesses of common or black sheet iron or steel.

Par 310. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin, 1 cent per pound.

Par. 311 No article not specially provided for which is wholly or partly manufactured from tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel, or of which such tin plate, terneplate, sheet, plate, hoop, band or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

Par. 312. Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, not assembled, manufactured or advanced beyond hammering, rolling, or casting, one-fifth of 1 cent per pound; any of the foregoing machined, drilled, punched, assembled, fitted, fabricated for use, or otherwise advanced beyond hammering, rolling, or casting, 20 per centum ad valorem; sashes, frames, and building forms, of iron or steel, 25 per centum ad valorem.

Par. 313. Hoop, band, and scroll iron or steel, not specially provided for, valued at 3 cents per pound or less, eight inches or less in width, and thinner than three-eighths and not thinner than one hundred and nine one-thousandths of one inch, twenty-five one-hundredths of 1 cent per pound; thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of one inch, thirty-five one-hundredths of 1 cent per pound; thinner than thirty-eight one-thousandths of one inch, fifty-five one-

hundredths of 1 cent per pound· Provided, That barrel hoops of iron or steel, and hoop or band iron, or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings, shall pay no more duty than that imposed on the hoop or band iron or steel from which they are made; bands and strips of iron or steel, whether in long or short lengths, not specially provided for, 25 per centum ad valorem

Par 314 Hoop or band iron, and hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, one-fourth of 1 cent per pound

Par. 315 Wire rods· Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, nail rods and flat rods up to six inches in width ready to be drawn or rolled into wire or strips, all the foregoing in coils or otherwise, valued at not over 4 cents per pound, three-tenths of 1 cent per pound, valued at over 4 cents per pound, six-tenths of 1 cent per pound: Provided, That all round iron or steel rods smaller than twenty one-hundredths of one inch in diameter shall be classified and dutiable as wire Provided further, That all iron or steel wire rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-fourth of 1 cent per pound: Provided further, That on all iron or steel bars and rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of 1 cent per pound in addition to the rates provided on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel of whatever shape, other than polished, planished, or glanced sheet iron or sheet steel, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only, there shall be paid two-tenths of 1 cent per pound in addition to the rates provided on plates, strips, or sheets of iron or steel of common or black finish of corresponding thickness or value.

Par. 316 Round iron or steel wire, not smaller than ninety-five one-thousandths of one inch in diameter, three-fourths of 1 cent per pound; smaller than ninety-five one-thousandths and not smaller than sixty-five one-thousandths of one inch in diameter, 1¼ cents per pound, smaller than sixty-five one-thousandths of one inch in diameter, 1½ cents per pound: Provided, That all of the foregoing valued above 6 cents per pound shall pay a duty of 25 per centum ad valorem; all wire composed of iron, steel, or other metal, nor specially provided for (except gold, silver, or platinum), all flat wires and all steel in strips not thicker than one-quarter of one inch and not exceeding sixteen inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, 25 per centum ad valorem: Provided, That all wire of iron, steel, or other metal coated by dipping, galvanizing, sherardizing, electrolytic, or any other process with zinc, tin, or other metal, shall pay a duty of two-tenths of 1 cent per pound in addition to the rate imposed on the wire of which it is made; telegraph, telephone, and other wires and cables composed of iron, steel, or other metal (except gold, silver, or platinum), covered with or composed in part of cotton, jute, silk, enamel, lacquer, rubber, paper, compound, or other material, with or without metal covering, 35 per centum ad valorem; wire rope and wire strand, 35 per centum ad valorem; spinning and twisting ring travelers, 35 per centum ad valorem; wire heddles and healds, 25 cents per thousand and 30 per centum ad valorem

Par. 317. All galvanized wire not specially provided for, not larger than twenty one-hundredths and not smaller than eight one-hundredths of one inch in diameter, of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than twenty one-hundredths and not smaller than eight one-hundredths of one inch in diameter; and all wire commonly used for baling hay or other commodities, one-half of 1 cent per pound

Par 318 Woven-wire cloth. Gauze, fabric, or screen, made of wire composed of steel, brass, copper, bronze, or any other metal or alloy, not specially provided for, with meshes not finer than thirty wires to the lineal inch in warp or filling, 25 per centum ad valorem, with meshes finer than thirty and not finer than ninety wires to the lineal inch in warp or filling, 35 per centum ad valorem; with meshes finer than ninety wires to the lineal inch in warp or filling, 45 per centum ad valorem

Par. 319 Iron or steel anchors and parts thereof; forgings of iron or steel, or of combined iron and steel, not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for, 25 per centum ad valorem.

Par. 320. Electric storage batteries and parts thereof, storage battery plates, and storage battery plate material, wholly or partly manufactured, all the foregoing not specially provided for, 40 per centum ad valorem.

Par. 321 Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof, whether finished or unfinished, for whatever use intended, 10 cents per pound and 45 per centum ad valorem

Par. 322. Railway fishplates or splice bars, and tie plates, made of iron or steel, one-fourth of 1 cent per pound, rail braces, and all other railway bars made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, one-tenth of 1 cent per pound.

Par 323 Axles and parts thereof, axle bars, axle blanks, and forgings for axles, of iron or steel, without reference to the stage or state of manufacture, not specially provided for, valued at not more than 6 cents per pound, six-tenths of 1 cent per pound. Provided, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

Par 324. Wheels for railway purposes, and parts thereof, of iron or steel, and steel-tired wheels for railway purposes, wholly or partly finished, and iron or steel locomotive, car, or other railway tires and parts thereof, wholly or partly manufactured, 1 cent per pound: Provided, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

Par. 325. Jewelers' and other anvils weighing less than five pounds each, 45 per centum ad valorem; all other anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 1⅝ cents per pound.

Par. 326 Blacksmiths' hammers, tongs, and sledges, track tools, wedges, and crowbars, of iron or steel, 1⅝ cents per pound.

Par. 327. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have

been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts, castings of malleable iron not specially provided for; cast hollow ware, coated, glazed, or tinned, but not including enameled ware and hollow ware containing electrical elements, 20 per centum ad valorem

Par 328 Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, and stays, not thinner than sixty-five one-thousandths of an inch, if not less than three-eighths of an inch in diameter, three-fourths of 1 cent per pound, if less than three-eighths and not less than one-fourth of an inch in diameter, 1¼ cents per pound, if less than one-fourth of an inch in diameter, 1¾ cents per pound Provided, That no tubes, pipes, flues, or stays made of charcoal iron shall pay a less rate of duty than 1¼ cents per pound, cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty, welded cylindrical furnaces, tubes and flues made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, and all other finished or unfinished iron or steel tubes not specially provided for, 25 per centum ad valorem, flexible metal tubing or hose, whether covered with wire or other material, including any appliances or attachments affixed thereto, not specially provided for, and rigid iron or steel tubes or pipes prepared and lined or coated in any manner suitable for use as conduits for electrical conductors, 30 per centum ad valorem

Par 329 Chain and chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, seven-eighths of 1 cent per pound; less than three-fourths and not less than three-eighths of one inch in diameter, 1⅛ cents per pound; less than three-eighths and not less than five-sixteenths of one inch in diameter, 2⅛ cents per pound, less than five-sixteenths of one inch in diameter, 4 cents per pound; sprocket and machine chains, of iron or steel, and parts thereof, 35 per centum ad valorem; anchor or stud link chain, two inches or more in diameter, 1½ cents per pound; less than two inches in diameter, 2 cents per pound· Provided, That all articles manufactured wholly or in chief value of chain shall not pay a lower rate of duty than that imposed upon the chain of which it is made, or of which chain is the component material of chief value.

Par 330. Nuts, nut blanks, and washers, of wrought iron or steel, six-tenths of 1 cent per pound; bolts, with or without threads or nuts, and bolt blanks, of iron or steel, 1 cent per pound; spiral nut locks, and lock washers, of iron or steel, 35 per centum ad valorem.

Par 331. Cut nails and cut spikes, of iron or steel, exceeding two inches in length, four-tenths of 1 cent per pound; cut tacks and brads, hobnails and cut nails, of iron or steel, not exceeding two inches in length, 15 per centum ad valorem; horseshoe nails, and other iron or steel nails, not specially provided for, 1½ cents per pound; nails, spikes, tacks, brads, and staples, made of iron or steel wire, not less than one inch in length nor smaller than sixty-five one-thousandths of one inch in diameter, four-tenths of 1 cent per pound; less than one inch in length and smaller than sixty-five one-thousandths of one inch in diameter, three-fourths of 1 cent per pound; spikes, tacks, brads, and staples, not specially provided for, six-tenths of 1 cent per pound.

Par. 332. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, 30 per centum ad valorem; rivets of iron or steel, not specially provided for, 1 cent per pound.

Par 333 Common horse, mule, or ox shoes, of wrought iron or steel, one-fifth of 1 cent per pound, horse, mule, or ox shoes, punched, drilled or tapped, of wrought iron or steel, for use with adjustable wrought-iron or steel skid calks, and solid drop-forged calked shoes of wrought iron or steel, 1 cent per pound

Par 334. Steel wool. 10 cents per pound, steel shavings, 5 cents per pound, and in addition thereto, on all of the foregoing, 30 per centum ad valorem.

Par. 335 Grit, shot, and sand of iron or steel, in any form, three-fourths of 1 cent per pound

Par 336 Corset clasps, corset steels, and dress steels, whether plain or covered with cotton, silk, or other material, 35 per centum ad valorem

Par 337 Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or untempered round steel wire, 20 per centum ad valorem, when manufactured with tempered round steel wire, or with plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool, 45 per centum ad valorem

Par 338 Screws, commonly called wood screws, of iron or steel, 25 per centum ad valorem.

Par 339. Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for, composed of iron or steel and enameled or glazed with vitreous glasses, 5 cents per pound and 30 per centum ad valorem, composed wholly or in chief value of aluminum, 11 cents per pound and 55 per centum ad valorem, composed wholly or in chief value of copper, brass, steel, or other base metal, not specially provided for, 40 per centum ad valorem, and in addition thereto, upon any of the foregoing articles containing electrical heating elements as constituent parts thereof, 10 per centum ad valorem

Par. 340 Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for, 20 per centum ad valorem; jewelers' or piercing saws, 40 cents per gross

Par. 341 Steel plates, stereotype plates, electrotype plates, half-tone plates, photogravure plates, photo-engraved plates, and plates of other materials, engraved or otherwise prepared for printing, and plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, 25 per centum ad valorem; lithographic plates of stone or other material engraved, drawn, or prepared, 25 per centum ad valorem.

Par. 342. Umbrella and parasol ribs and stretchers, composed wholly or in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partly finished, 50 per centum ad valorem.

Par. 343. Spring-beard needles, and other needles for knitting, sewing, shoe, or embroidery machines of every description, not specially provided for, and crochet needles, $1 15 per thousand and 40 per centum ad valorem, latch needles, $2 per thousand and 50 per centum ad valorem; tape, knitting, and all other needles, not specially provided for, bodkins of metal, and needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, 45 per centum ad valorem.

Par. 344. Fishhooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks, leaders or casts, and all other fishing tackle and parts thereof, fly books, fly boxes, fishing baskets or creels, finished or unfinished, not specially provided for, except fishing lines, fishing nets, and seines, 45 per centum ad valorem· Provided, That any prohibition of the im-

portation of feathers in this Act shall not be construed as applying to artificial flies used for fishing, or to feathers used for the manufacture of such flies.

Par. 345 Saddlery and harness hardware. Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware, 35 per centum ad valorem, all articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware, 50 per centum ad valorem, all the foregoing, if platted with gold or silver, 60 per centum ad valorem.

Par. 346 Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at not more than 20 cents per hundred, 5 cents per hundred, valued at more than 20 and not more than 50 cents per hundred, 10 cents per hundred; valued at more than 50 cents per hundred, 15 cents per hundred; and in addition thereto, on all of the foregoing, 20 per centum ad valorem

Par. 347 Hooks and eyes, wholly or in chief value of metal, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, 4½ cents per pound and 25 per centum ad valorem.

Par 348. Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum, and not mounted on tape, 55 per centum ad valorem; mounted on tape, including sew-on fasteners, 60 per centum ad valorem.

Par. 349. Metal trouser buttons (except steel) nickel bar buttons, one-twelfth of 1 cent per line per gross; steel trouser buttons, one-fourth of 1 cent per line per gross; buttons of metal, not specially provided for, three-fourths of 1 cent per line per gross, and in addition thereto, on all of the foregoing, 15 per centum ad valorem, metal buttons embossed with a design, device, pattern, or lettering, 45 per centum ad valorem. Provided, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of one inch.

Par. 350. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry, 35 per centum ad valorem.

Par 351. Pens, metallic, not specially provided for, 12 cents per gross; with nib and barrel in one piece, 15 cents per gross.

Par 352 Penholder tips, penholders and parts thereof, gold pens, combination penholders comprising penholders, pencil, rubber eraser, automatic stamp, or other attachments, 25 cents per gross and 20 per centum ad valorem; mechanical pencils made of base metal and not plated with gold, silver, or platinum, 45 cents per gross and 20 per centum ad valorem. Provided, That pens and penholders shall be assessed for duty separately.

Par. 353. Fountain pens, fountain-pen holders, stylographic pens, and parts thereof, 72 cents per dozen and 40 per centum ad valorem: Provided, That the value of cartons and fillers shall be included in the dutiable value.

Par. 354. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this Act, which have folding or other than fixed blades or attachments, valued at not more than 40 cents per dozen, 1 cent each and 50 per centum ad valorem; valued at more than 40 and not more than 50 cents per dozen, 5 cents each and 50 per centum ad valorem; valued at more than 50 cents and not more than $1.25 per dozen, 11 cents each and 55 per centum ad valorem, valued at more than $1 25 and not more than $3 per dozen, 18 cents each and 55 per centum ad valorem; valued at more than $3 and not more than $6 per dozen, 25 cents each and 50 per centum ad valorem, valued at more than $6 per dozen, 35 cents each and 55 per centum ad valorem, blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than 50 cents and not exceeding $1 25 per dozen; cuticle knives, corn knives, nail files, tweezers, hand forceps, and parts thereof, finished or unfinished, by whatever name known, 60 per centum ad valorem. Provided, That any of the foregoing, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished articles of the same material and quality, but not less in any case than 15 cents each and 55 per centum ad valorem Provided further, That all the articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

Par. 355. Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, or other metal than aluminum, nickel silver, iron or steel, 16 cents each; with handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material, 8 cents each, with handles of any other material, if less than four inches in length, exclusive of handle, 2 cents each; if four inches in length or over, exclusive of handle, 8 cents each, and in addition thereto, on all of the foregoing, 45 per centum ad valorem, any of the foregoing without handles, with blades less than six inches in length, 2 cents each and 45 per centum ad valorem; with blades six inches or more in length, 8 cents each and 45 per centum ad valorem. Provided, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk legibly and indelibly upon the blade in a place that shall not be covered.

Par 356. Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, roll bars, bed plates, and all other stock-treating parts for pulp and paper machinery, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, meat-slicing cutters, and all other cutting knives and blades used in power or hand machines, 20 per centum ad valorem.

Par. 357. Nail, barbers', and animal clippers, pruning and sheep shears, and all scissors and other shears, and blades for the same, finished or unfinished, valued at not more than 50 cents per dozen, 3½ cents each and 45 per centum ad valorem; valued at more than 50 cents and not more than $1.75 per dozen, 15 cents each and 45 per centum ad valorem; valued at more than $1.75 per dozen, 20 cents each and 45 per centum ad valorem: Provided, That all articles specified in this paragraph, when imported, shall have the

sunk conspicuously and indelibly, the name of the maker or purchaser and beneath the same the name of the country of origin, to be placed on the outside of the blade, between the screw or rivet and the handle of scissors and shears (except pruning and sheep shears), and on the blade or handle of pruning and sheep shears and clippers

Par. 358 Safety razors, and safety-razor handles and frames, 10 cents each and 30 per centum ad valorem, razors and parts thereof, finished or unfinished, valued at less than 75 cents per dozen, 18 cents each, valued at 75 cents and less than $1 50 per dozen, 25 cents each, valued at $1 50 and less than $3 per dozen, 30 cents each, valued at $3 and less than $4 per dozen, 35 cents each, valued at $4 or more per dozen, 45 cents each; and in addition thereto, on all the foregoing, 45 per centum ad valorem Provided, That finished or unfinished blades for safety razors shall pay a duty of 1 cent each and 30 per centum ad valorem: Provided further, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the blade or shank or tang of each and every blade and on safety razors and parts thereof.

Par 359 Surgical instruments, and parts thereof, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished, 45 per centum ad valorem; dental instruments, and parts thereof, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished, 35 per centum ad valorem Provided, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside, or if a jointed instrument on the outside when closed.

Par. 360. Philosophical, scientific, and laboratory instruments, apparatus, utensils, appliances (including drawing, surveying, and mathematical instruments), and parts thereof, composed wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, not specially provided for, 40 per centum ad valorem: Provided, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside, or if a jointed instrument on the outside when closed

Par. 361 Pliers, pincers, and nippers of all kinds, finished or unfinished, 60 per centum ad valorem Provided, That all articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the outside of the joint.

Par. 362. Files, file blanks, rasps, and floats, of whatever cut or kind, two and one-half inches in length and under, 25 cents per dozen; over two and one-half and not over four and one-half inches in length, 47½ cents per dozen; over four and one-half and under seven inches in length, 62½ cents per dozen; seven inches in length and over, 77½ cents per dozen

Par. 363. Sword blades, and swords and side arms, irrespective of quality or use, wholly or in part of metal, 50 per centum ad valorem.

Par. 364. Muzzle-loading muskets, shotguns, rifles, and parts thereof, 25 per centum ad valorem.

Par. 365. Double or single barreled breech-loading and repeating shotguns, rifles, and combination shotguns and rifles, valued at not more than $5 each, $1.50 each; valued at more than $5 and not more than $10 each, $4 each; valued at more than $10 and not more than $25 each, $6 each; valued at more than $25 each, $10 each; and in addition thereto, on all of the foregoing, 45 per centum ad valorem, barrels for breech-loading and repeating shotguns and rifles, further advanced in manufacture than rough bored only, $4 each; stocks for breech-loading shotguns and rifles wholly or partly manufactured, $5 each; and in addition thereto, on all of the foregoing, 50 per centum ad valorem, on all parts of such guns or rifles, and fittings for such stocks or barrels, finished or unfinished, 55 per centum ad valorem: Provided, That all breech-loading shotguns and rifles imported without a lock or locks or other fittings shall be subject to a duty of $10 each and 55 per centum ad valorem

Par. 366. Pistols: Automatic, magazine, or revolving, and parts thereof and fittings therefor, valued at not more than $4 each, $1.25 each; valued at more than $4 and not more than $8 each, $2.50 each, valued at more than $8 each, $3 50 each, and in addition thereto, on all of the foregoing, 55 per centum ad valorem.

Par 367. Watch movements, whether imported in cases or otherwise, assembled or knocked down, if having less than seven jewels, 75 cents each, having seven and not more than eleven jewels, $1 25 each; having more than eleven and not more than fifteen jewels, $2 each, having more than fifteen and not more than seventeen jewels, unadjusted, $2 75 each; having seventeen jewels and adjusted to temperature, $3 50 each, having seventeen jewels and adjusted to three positions, $4 75 each, having seventeen jewels and adjusted to five positions, $6.50 each; having more than seventeen jewels, adjusted or unadjusted, $10 75 each; watchcases and parts of watches, chronometers, box or ship, and parts thereof, 45 per centum ad valorem; all jewels for use in the manufacture of watches, clocks, meters, or compasses, 10 per centum ad valorem; enameled dials for watches or other instruments, 3 cents per dial and 45 per centum ad valorem: Provided, That all watch and clock dials, whether attached to movements or not, when imported shall have indelibly painted or printed thereon the name of the country of origin, and that all watch movements and plates, assembled or knocked down, and cases shall have the name of the manufacturer or purchaser and the country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movement and plates shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said numbers to be expressed both in words and in Arabic numerals, and if the movement is not adjusted, the word "unadjusted" shall be marked thereon by one of the methods indicated, and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction: Provided further, That only the number of the jewels which serve a mechanical purpose as frictional bearings shall be marked as herein provided.

Par 368. Clocks and clock movements, including lever clock movements, and clockwork mechanisms, cased or uncased, whether imported complete or in parts, and any device or mechanism having an essential operating feature intended for measuring time, distance, or fares, or the flowage of water, gas, electricity, or similar uses, or for regulating or controlling the speed of arbors, drums, disks, or similar uses, or for recording, indicating, or performing any operation or function at a predetermined time or times, any of the foregoing whether wholly or partly complete or knocked down (in which condition they shall be appraised at the valuation of the complete article);

cases and casings for clock work mechanisms imported separately, all the foregoing, 45 per centum ad valorem; and in addition thereto, upon any of the foregoing articles or parts thereof, having jewels, but not more than two jewels, in the escapement, $1 each, having more than two but not more than four jewels, $2 each, having more than four jewels, $4 each; if without jewels in the escapement and valued at not over $1.10 each, 35 cents each, valued at more than $1.10 and not more than $2.25 each, 70 cents each, valued at more than $2.25 but not more than $5 each, $1 each; valued at more than $5 but not more than $10 each, $2 each; valued at more than $10 each, $3 each; all parts and materials for use in any of the foregoing if imported separately, and not specially provided for, 50 per centum ad valorem: Provided, That all dials, whether attached to movements or not, when imported, shall have indelibly painted, printed, or stamped thereon the name of the country of origin, and the front or back plate of the movement frame of any of the foregoing when imported shall have the name of the maker or purchaser, the name of the country where manufactured, and the number of jewels, if any, indelibly stamped on the most visible part of same; but if such markings are in whole or in part sufficiently similar to the trade name or trade-mark of an established American manufacturer as to be liable to deceive the user in the United States entry thereof shall be denied if such trade name or trade-mark has been placed on file with the collector of customs.

Par. 369. Automobiles, automobile bodies, automobile chassis, motor cycles, and parts of the foregoing, not including tires, all of the foregoing whether finished or unfinished, 25 per centum ad valorem: Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per centum ad valorem.

Par. 370. Airplanes, hydroplanes, motor boats, and parts of the foregoing, 30 per centum ad valorem.

Par. 371. Bicycles, and parts thereof, not including tires, 30 per centum ad valorem. Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per centum ad valorem.

Par. 372. Steam engines and steam locomotives, 15 per centum ad valorem; sewing machines, and parts thereof, not specially provided for, valued at not more than $75 each, 15 per centum ad valorem; valued at more than $75 each, 30 per centum ad valorem, cash registers, and parts thereof, 25 per centum ad valorem; printing presses, not specially provided for, lawn mowers, and machine tools and parts of machine tools, 30 per centum ad valorem; embroidery machines, including shuttles for sewing and embroidery machines, lace-making machines, machines for making lace curtains, nets and nettings, 30 per centum ad valorem, knitting, braiding, lace braiding, and insulating machines, and all other similar textile machinery or parts thereof, finished or unfinished, not specially provided for, 40 per centum ad valorem: all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 35 per centum ad valorem, cream separators valued at more than $50 each, and other centrifugal machines for the separation of liquids or liquids and solids, not specially provided for, 25 per centum ad valorem; combined adding and typewriting machines, 30 per centum ad valorem; all other machines or parts thereof, finished or unfinished, not specially provided for, 30 per centum ad valorem. Provided, That machine tools as used in this paragraph shall be held to mean any machine operating other than by hand power which employs a tool for work on metal.

Par. 373. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, aluminum, or other metal, whether partly or wholly manufactured, 30 per centum ad valorem.

Par. 374. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 5 cents per pound; in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, 9 cents per pound.

Par. 375. Metallic magnesium and metallic magnesium scrap, 40 cents per pound, magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for, 40 cents per pound on the metallic magnesium content and 20 per centum ad valorem.

Par. 376. Antimony, as regulus or metal, 2 cents per pound, needle or liquated antimony, one-fourth of 1 cent per pound.

Par. 377. Bismuth, 7½ per centum ad valorem.

Par. 378. Cadmium, 15 cents per pound.

Par. 379. Metallic arsenic, 6 cents per pound.

Par. 380. German silver, or nickel silver, unmanufactured, 20 per centum ad valorem; nickel silver sheets, strips, rods, and wire, 30 per centum ad valorem.

Par. 381. Copper in rolls, rods, or sheets, 2½ cents per pound; copper engravers' plates not ground, and seamless copper tubes and tubing, 7 cents per pound, copper engravers' plates, ground, and brazed copper tubes, 11 cents per pound; brass rods, sheet brass, brass plates, bars, and strips, Muntz or yellow metal sheets, sheathing, bolts, piston rods, and shafting, 4 cents per pound; seamless brass tubes and tubing, 8 cents per pound; brazed brass tubes, brass angles and channels, 12 cents per pound, bronze rods and sheets, 4 cents per pound; bronze tubes, 8 cents per pound.

Par. 382. Aluminum or tin foil less than six one-thousandths of an inch in thickness, 35 per centum ad valorem, bronze powder, 14 cents per pound; aluminum powder, powdered foil, powdered tin, brocades, flitters, and metallics, manufactured in whole or in part, 12 cents per pound; bronze, or Dutch metal, or aluminum, in leaf, 6 cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of five and one-half by five and one-half inches; additional duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

Par. 383. Gold leaf, 55 cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of three and three-eighths by three and three-eighths inches; additional

duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

Par. 384 Silver leaf, 5 cents per one hundred leaves.

Par. 385. Tinsel wire, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 10 per centum ad valorem, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 20 per centum ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 6 cents per pound and 35 per centum ad valorem, beltings, toys, and other articles made wholly or in chief value of tinsel wire, metal thread, lame or lahn, or of tinsel wire, lame or lahn and india rubber, bullions, or metal threads, not specially provided for, 45 per centum ad valorem, woven fabrics, ribbons, fringes, and tassels, made wholly or in chief value of any of the foregoing, 55 per centum ad valorem

Par. 386 Quicksilver, 25 cents per pound: Provided, That the flasks, bottles or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

Par 387 Azides, fulminates, fulminating powder, and other like articles not specially provided for, 12½ cents per pound

Par 388 Dynamite and other high explosives, put up in sticks, cartridges, or other forms, suitable for blasting, 1¼ cents per pound.

Par. 389. New types, 20 per centum ad valorem

Par. 390. Nickel oxide, 1 cent per pound, nickel, and nickel alloy of any kind in which nickel is the component material of chief value, in pigs or ingots, shot, cubes, grains, cathodes, or similar forms, 3 cents per pound, in bars, rods, plates, sheets, strips, strands, castings, wire, tubes, tubing, anodes, or electrodes, 25 per centum ad valorem; and in addition thereto, on all of the foregoing, if cold rolled, cold drawn, or cold worked, 10 per centum ad valorem

Par 391. Bottle caps of metal, collapsible tubes, and sprinkler tops, if not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 30 per centum ad valorem; if decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color, 45 per centum ad valorem.

Par 392. Lead-bearing ores and mattes of all kinds, 1½ cents per pound on the lead contained therein: Provided, That such duty shall not be applied to the lead contained in copper mattes unless actually recovered: Provided further, That on all importations of lead-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

Par. 393. Lead bullion or base bullion; lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, antimonial scrap lead, type metal, Babbitt metal, solder, all alloys or combinations of lead not specially provided for, 2⅛ cents per pound on the lead contained therein, lead in sheets, pipe, shot, glazier's lead, and lead wire, 2⅜ cents per pound

Par 394 Zinc-bearing ore of all kinds, containing less than 10 per centum of zinc, shall be admitted free of duty; containing 10 per centum or more of zinc and less than 20 per centum, one-half of 1 cent per pound on the zinc contained therein, containing 20 per centum or more of zinc and less than 25 per centum, 1 cent per pound on the zinc contained therein, containing 25 per centum of zinc, or more, 1½ cents per pound on the zinc contained therein: Provided, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph

Par 395. Zinc in blocks, pigs, or slabs, and zinc dust, 1¾ cents per pound; in sheets, 2 cents per pound; in sheets coated or plated with nickel or other metal (except gold, silver, or platinum), or solutions, 2¼ cents per pound; old and worn-out, fit only to be remanufactured, 1½ cents per pound.

Par. 396. Print rollers and print blocks used in printing, stamping, or cutting designs for wall or crêpe paper, linoleum, oilcloth, or other material, not specially provided for, composed wholly or in chief value of iron, steel, copper, brass, or any other metal, 60 per centum ad valorem.

Par. 397. Cylindrical steel rolls ground and polished, valued at 25 cents per pound or over, 25 per centum ad valorem.

Par 398. Twist drills, reamers, milling cutters, taps, dies, and metal-cutting tools of all descriptions, not specially provided for, containing more than sixtenths of 1 per centum of tungsten or molybdenum, 60 per centum ad valorem.

Par. 399 Articles or wares not specially provided for, if composed wholly or in chief value of platinum, gold, or silver, and articles or wares plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, 60 per centum ad valorem: if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, 40 per centum ad valorem.

Par 400. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

SCHEDULE 4.—WOOD AND MANUFACTURES OF

Par. 401. Logs of fir, spruce, cedar, or Western hemlock, $1 per thousand feet board measure: Provided, That any such class of logs cut from any particular class of lands shall be exempt from such duty if imported from any country, dependency, province, or other subdivision of government which has, at no time during the twelve months immediately preceding their importation into the United States, maintained any embargo, prohibition, or other restriction (whether by law, order, regulation, contractual relation or otherwise, directly or indirectly) upon the exportation of such class of logs from such country, dependency, province, or other subdivision of government, if cut from such class of lands.

Par. 402. Brier root or brier wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, 10 per centum ad valorem.

Par. 403. Cedar commercially known as Spanish cedar, lignumvitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, and Japanese maple, in the log, 10 per centum ad valorem, in the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, 15 per centum ad valorem; veneers of wood and wood unmanufactured, not specially provided for, 20 per centum ad valorem.

Par. 404. Hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, roughhewn, or rough shaped, sawed or bored, 10 per centum ad valorem.

Par. 405. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing boxes (empty), and packing-box shooks, of wood, not specially provided for, 15 per centum ad valorem.

Par. 406. Boxes, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos, 25 per centum ad valorem: Provided, That the thin wood, so called, comprising the sides, tops, and bottoms of fruit boxes of the growth or manufacture of the United States, exported as fruit box shooks, may be reimported in completed form, filled with fruit, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture, but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

Par. 407. Reeds wrought or manufactured from rattan or reeds, whether round, flat, split, oval, or in whatever form, cane wrought or manufactured from rattan, cane webbing, and split or partially manufactured rattan, not specially provided for, 20 per centum ad valorem. Furniture made with frames wholly or in part of wood, rattan, reed, bamboo osier or willow, or malacca, and covered wholly or in part with rattan, reed, grass, osier or willow, or fiber of any kind, 60 per centum ad valorem; split bamboo, 1¼ cents per pound; osier or willow, including chip of and split willow, prepared for basket makers' use, 35 per centum ad valorem; all articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier or willow, 45 per centum ad valorem.

Par. 408. Toothpicks of wood or other vegetable substance, 25 per centum ad valorem; butchers' and packers' skewers of wood, 25 cents per thousand.

Par. 409. Porch and window blinds, baskets, chair seats, curtains, shades, or screens, any of the foregoing wholly or in chief value of bamboo, wood, straw, papier-maché, palm leaf, or compositions of wood, not specially provided for, 35 per centum ad valorem, if stained, dyed, painted, printed, polished, grained, or creosoted, 45 per centum ad valorem.

Par. 410. Spring clothespins, 15 cents per gross; house or cabinet furniture wholly or in chief value of wood, wholly or partly finished, wood flour, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for, 33⅓ per centum ad valorem.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF

Par. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above fifty sugar degrees and not above seventy-five sugar degrees, $1^{24}/_{100}$ cents per pound, and for each additional sugar degree shown by the polariscopic test, forty-six one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion.

Par. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per centum total sugars, twenty-five one-hundredths of 1 cent per gallon; testing above 48 per centum total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per centum of total sugars and fractions of a per centum in proportion, molasses testing not above 52 per centum total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent per gallon; testing above 52 and not above 56 per centum total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per centum of total sugars and fractions of a per centum in proportion.

Par. 503. Maple sugar and maple sirup, 4 cents per pound, dextrose testing not above 99.7 per centum and dextrose sirup, 1½ cents per pound. Sugar cane in its natural state, $1 per ton of two thousand pounds, sugar contained in dried sugar cane, or in sugar cane in any other than its natural state, 75 per centum of the rate of duty applicable to manufactured sugar of like polariscopic test.

Par. 504. Adonite, arabinose, dulcite, galactose, inosite, inulin, levulose, mannite, d-talose, d-tagatose, ribose, melibiose, dextrose testing above 99.7 per centum, mannose, melezitose, raffinose, rhamnose, salicin, sorbite, xylose, and other saccharides, 50 per centum ad valorem.

Par. 505. Sugar candy and all confectionery not specially provided for, and sugar after being refined, when tinctured, colored, or in any way adulterated, 40 per centum ad valorem.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF

Par. 601. Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $2.10 per pound; if stemmed, $2.75 per pound, filler tobacco not specially provided for, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

Par. 602. The term "wrapper tobacco" as used in this title means that quality of leaf tobacco which has the requisite color, texture, and burn, and is of sufficient size for cigar wrappers, and the term "filler tobacco" means all other leaf tobacco. Collectors of customs shall permit entry to be made, under rules and regulations to be prescribed by the Secretary of

the Treasury, of any leaf tobacco when the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every ten, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and at least ten hands shall be examined in each examined bale, box, or package

Par. 603. All other tobacco, manufactured or unmanufactured, not specially provided for, 55 cents per pound, scrap tobacco, 35 cents per pound

Par 604 Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, and tobacco stems, cut, ground, or pulverized, 55 cents per pound

Par. 605 Cigars, cigarettes, cheroots of all kinds, $4 50 per pound and 25 per centum ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

Par 701 Cattle, weighing less than one thousand and fifty pounds each, 1½ cents per pound, weighing one thousand and fifty pounds each or more, 2 cents per pound, fresh beef and veal, 3 cents per pound, tallow, one-half of 1 cent per pound, oleo oil and oleo stearin, 1 cent per pound.

Par. 702 Sheep and goats, $2 per head, fresh mutton and goat meat, 2½ cents per pound, fresh lamb, 4 cents per pound

Par 703 Swine, one-half of 1 cent per pound; fresh pork, three-fourths of 1 cent per pound; bacon, hams, and shoulders, and other pork, prepared or preserved, 2 cents per pound, lard, 1 cent per pound; lard compounds and lard substitutes, 4 cents per pound.

Par 704 Reindeer meat, venison and other game (except birds) not specially provided for, 4 cents per pound.

Par. 705. Extract of meat, including fluid, 15 cents per pound.

Par 706 Meats, fresh, prepared, or preserved, not specially provided for, 20 per centum ad valorem: Provided, That no meats of any kind shall be imported into the United States unless the same is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same also complies with the rules and regulations made by the Secretary of Agriculture, and that, after entry into the United States in compliance with said rules and regulations, said meats shall be deemed and treated as domestic meats within the meaning of and shall be subject to the provisions of the Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 674), commonly called the "Meat Inspection Amendment," and the Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 768), commonly called the "Food and Drugs Act," and that the Secretary of Agriculture be and hereby is authorized to make rules and regulations to carry out the purposes of this provision, and that in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all such meats offered for entry and refused admission into the United States unless the same be exported by the consignee within the time fixed therefor in such rules and regulations.

Par 707. Milk, fresh, 2½ cents per gallon; sour milk and buttermilk, 1 cent per gallon; cream, 20 cents per gallon: Provided, That fresh or sour milk containing more than 7 per centum of butter fat shall be dutiable as cream, and cream containing more than 45 per centum of butter fat shall be dutiable as butter.

Par. 708. Milk, condensed or evaporated: In hermetically sealed containers, unsweetened, 1 cent per pound, sweetened, 1½ cents per pound; all other, 1⅜ cents per pound; whole milk powder, 3 cents per pound; cream powder, 7 cents per pound, and skimmed milk powder, 1½ cents per pound; malted milk, and compounds or mixtures of or substitutes for milk or cream, 20 per centum ad valorem

Par. 709 Butter, 8 cents per pound; oleomargarine and other butter substitutes, 8 cents per pound

Par. 710 Cheese and substitutes therefor, 5 cents per pound, but not less than 25 per centum ad valorem

Par 711 Birds, live Poultry, 3 cents per pound; all other, valued at $5 or less each, 50 cents each, valued at more than $5 each, 20 per centum ad valorem.

Par. 712 Birds, dead, dressed or undressed: Poultry, 6 cents per pound, all other, 8 cents per pound, all the foregoing, prepared or preserved in any manner and not specially provided for, 35 per centum ad valorem

Par. 713. Eggs of poultry, in the shell, 8 cents per dozen; whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, and not specially provided for, 6 cents per pound, dried whole eggs, dried egg yolk, and dried egg albumen, 18 cents per pound

Par 714 Horses and mules, valued at not more than $150 per head, $30 per head; valued at more than $150 per head, 20 per centum ad valorem

Par. 715 Live animals, vertebrate and invertebrate, not specially provided for, 15 per centum ad valorem.

Par 716 Honey, 3 cents per pound

Par 717 Fish, fresh, frozen, or packed in ice: Halibut, salmon, mackerel, and swordfish, 2 cents per pound, other fish, not specially provided for, 1 cent per pound

Par. 718 Salmon, pickled, salted, smoked, kippered, or otherwise prepared or preserved, 25 per centum ad valorem; finnan haddie, 25 per centum ad valorem; dried fish, salted or unsalted, 1¼ cents per pound; smoked herring, skinned or boned, 2½ cents per pound, all other fish, skinned or boned, in bulk, or in immediate containers weighing with their contents more than fifteen pounds each, 2½ cents per pound net weight

Par. 719. Herring and mackerel, pickled or salted, whether or not boned, when in bulk, or in immediate containers weighing with their contents more than fifteen pounds each, 1 cent per pound net weight.

Par. 720 Fish (except shellfish), by whatever name known, packed in oil or in oil and other substances, 30 per centum ad valorem; all fish (except shellfish), pickled, salted, smoked, kippered, or otherwise prepared or preserved (except in oil or in oil and other substances), in immediate containers weighing with their contents not more than fifteen pounds each, 25 per centum ad valorem; in bulk or in immediate containers weighing with their contents more than fifteen pounds each, 1¼ cents per pound net weight.

Par. 721. Crab meat, packed in ice or frozen, or prepared or preserved in any manner, 15 per centum ad valorem; fish paste and fish sauce, 30 per centum ad valorem; caviar and other fish roe for food purposes, packed in ice or frozen, prepared or preserved, by the addition of salt in any amount, or by other means, 30 per centum ad valorem.

Par. 722. Barley, hulled or unhulled, 20 cents per bushel of forty-eight pounds; barley malt, 40

cents per one hundred pounds; pearl barley, patent barley and barley flour, 2 cents per pound

Par 723 Buckwheat, hulled or unhulled, 10 cents per one hundred pounds; buckwheat flour and grits or groats, one-half of 1 cent per pound

Par 724 Corn or maize, including cracked corn, 15 cents per bushel of fifty-six pounds; corn grits, meal, and flour, and similar products, 30 cents per one hundred pounds.

Par. 725. Macaroni, vermicelli, noodles, and similar alimentary pastes, 2 cents per pound.

Par 726 Oats, hulled or unhulled, 15 cents per bushel of thirty-two pounds, unhulled ground oats, 45 cents per one hundred pounds, oatmeal, rolled oats, oat grits, and similar oat products, 80 cents per one hundred pounds.

Par 727. Paddy or rough rice, 1 cent per pound, brown rice (hulls removed), 1¼ cents per pound, milled rice (bran removed), 2 cents per pound, broken rice, and rice meal, flour, polish, and bran, one-half of 1 cent per pound

Par. 728 Rye, 15 cents per bushel of fifty-six pounds, rye flour and meal, 45 cents per one hundred pounds.

Par 729 Wheat, 30 cents per bushel of sixty pounds, wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, 78 cents per one hundred pounds

Par. 730 Bran, shorts, by-product feeds obtained in milling wheat or other cereals, 15 per centum ad valorem, hulls of oats, barley, buckwheat, or other grains, ground or unground, 10 cents per one hundred pounds; dried beet pulp, malt sprouts, and brewers' grains, $5 per ton; mixed feeds, consisting of an admixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs, 10 per centum ad valorem

Par. 731 Screenings, scalpings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground, or ground, 10 per centum ad valorem: Provided, That when grains or seeds contain more than 5 per centum of any one foreign matter dutiable at a rate higher than that applicable to the grain or seed the entire lot shall be dutiable at such higher rate.

Par 732. Cereal breakfast foods, and similar cereal preparations, by whatever name known, processed further than milling, and not specially provided for, 20 per centum ad valorem.

Par. 733. Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind, 30 per centum ad valorem.

Par. 734 Apples, green or ripe, 25 cents per bushel of 50 pounds; dried, desiccated, or evaporated, 2 cents per pound; otherwise prepared or preserved, and not specially provided for, 2½ cents per pound.

Par. 735. Apricots, green, ripe, dried, or in brine, one-half of 1 cent per pound, otherwise prepared or preserved, 35 per centum ad valorem.

Par. 736. Berries, edible, in their natural condition or in brine, 1¼ cents per pound; dried, desiccated, or evaporated, 2½ cents per pound; otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

Par. 737. Cherries, in their natural state, sulphured, or in brine, 2 cents per pound, maraschino cherries and cherries prepared or preserved in any manner, 40 per centum ad valorem

Par. 738. Cider, 5 cents per gallon; vinegar, 6 cents per proof gallon: Provided, That the standard proof for vinegar shall be 4 per centum by weight of acetic acid.

Par. 739. Citrons and citron peel, crude, dried, or in brine, 2 cents per pound; candied or otherwise prepared or preserved, 4½ cents per pound; orange and lemon peel, crude, dried, or in brine, 2 cents per pound, candied, or otherwise prepared or preserved, 5 cents per pound

Par 740 Figs, fresh, dried, or in brine, 2 cents per pound, prepared or preserved in any manner, 35 per centum ad valorem

Par 741 Dates, fresh or dried, 1 cent per pound, prepared or preserved in any manner, 35 per centum ad valorem

Par 742 Grapes in bulk, crates, barrels or other packages, 25 cents per cubic foot of such bulk or the capacity of the packages, according as imported, raisins, 2 cents per pound, other dried grapes, 2½ cents per pound, currants, Zante or other, 2 cents per pound

Par 743 Lemons, 2 cents per pound, limes, in their natural state, or in brine, and oranges, 1 cent per pound, grapefruit, 1 cent per pound

Par 744 Olives in brine, green, 20 cents per gallon, ripe, 20 cents per gallon, pitted or stuffed, 30 cents per gallon, dried ripe olives, 4 cents per pound

Par 745 Peaches and pears, green, ripe, or in brine, one-half of 1 cent per pound, dried, desiccated, or evaporated, 2 cents per pound, otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

Par. 746. Pineapples, 22½ cents per crate of one and ninety-six one-hundredths cubic feet; in bulk, three-fourths of 1 cent each; candied, crystallized, or glaze, 35 per centum ad valorem, otherwise prepared or preserved, and not specially provided for, 2 cents per pound

Par 747 Plums, prunes, and prunelles, green, ripe, or in brine one-half of 1 cent per pound, dried, one-half of 1 cent per pound, otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem.

Par 748 All jellies, jams, marmalades, and fruit butters, 35 per centum ad valorem

Par. 749. Fruits in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for, and mixtures of two or more fruits, prepared or preserved, 35 per centum ad valorem Provided, That all specific provisions of this title for fruits and berries prepared or preserved shall include fruits and berries preserved or packed in sugar, or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices

Par. 750 Berries and fruits, of all kinds, prepared or preserved in any manner, containing 5 per centum or more of alcohol shall pay in addition to the rates provided in this title $5 per proof gallon on the alcohol contained therein: Provided, however, That nothing in this Act shall be construed as permitting the importation of intoxicating liquor in violation of the eighteenth amendment to the Constitution, or any Act of Congress enacted in its enforcement

Par. 751 Tulip, lily, and narcissus bulbs, and lily of the valley pips, $2 per thousand; hyacinth bulbs, $4 per thousand; crocus bulbs, $1 per thousand; all other bulbs and roots, root stocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes, 30 per centum ad valorem; cut flowers, fresh or preserved, 40 per centum ad valorem.

Par. 752. Seedlings and cuttings of Manetti, multiflora, briar, rugosa, and other rose stock, all the foregoing not more than three years old, $2 per thousand; rose plants, budded, grafted, or grown on their own roots, 4 cents each, cuttings, seedlings, and grafted or budded plants of other deciduous or evergreen ornamental trees, shrubs, or vines, and all nursery or greenhouse stock, not specially provided for, 25 per centum ad valorem.

Par. 753. Seedlings, layers, and cuttings of apple, cherry, pear, plum, quince, and other fruit stocks, $2

per thousand; grafted or budded fruit trees, cuttings and seedlings of grapes, currants, gooseberries, or other fruit vines, plants or bushes, 25 per centum ad valorem

Par 754 Almonds, not shelled, 4¾ cents per pound, shelled, 14 cents per pound, almond paste, 14 cents per pound

Par 755. Cream or Brazil nuts, 1 cent per pound; filberts, not shelled, 2½ cents per pound, shelled, 5 cents per pound, pignolia nuts, 1 cent per pound; pistache nuts, 1 cent per pound

Par 756 Coconuts, one-half of 1 cent each, coconut meat, shredded and desiccated, or similarly prepared, 3½ cents per pound

Par 757 Peanuts, not shelled, 3 cents per pound, shelled, 4 cents per pound

Par 758 Walnuts of all kinds, not shelled, 4 cents per pound, shelled, 12 cents per pound, pecans, unshelled, 3 cents per pound, shelled, 6 cents per pound

Par 759 Edible nuts shelled or unshelled, not specially provided for, 1 cent per pound, pickled, or otherwise prepared or preserved, and not specially provided for, 35 per centum ad valorem; nut and kernel paste not specially provided for, 25 per centum ad valorem: Provided, That no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled

Par. 760 Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 40 cents per bushel of fifty-six pounds, poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound, apricot and peach kernels, 3 cents per pound; soya beans, one-half of 1 cent per pound, cotton seed, one-third of 1 cent per pound.

Par. 761. Grass seeds. Alfalfa, 4 cents per pound; alsike clover, 4 cents per pound; crimson clover, 1 cent per pound; red clover, 4 cents per pound; white clover, 3 cents per pound; clover, not specially provided for, 2 cents per pound; millet, 1 cent per pound; timothy, 2 cents per pound; hairy vetch, 2 cents per pound; spring vetch, 1 cent per pound; all other grass seeds not specially provided for, 2 cents per pound: Provided, That no allowance shall be made for dirt or other impurities in seed provided for in this paragraph

Par. 762 Other garden and field seeds: Beet (except sugar beet), 4 cents per pound, cabbage, 10 cents per pound, canary, 1 cent per pound; carrot, 4 cents per pound, cauliflower, 25 cents per pound; celery, 2 cents per pound, kale, 6 cents per pound, kohlrabi, 8 cents per pound; mangelwurzel, 4 cents per pound; mushroom spawn, 1 cent per pound; onion, 15 cents per pound; parsley, 2 cents per pound; parsnip, 4 cents per pound; pepper, 15 cents per pound, radish, 4 cents per pound, spinach, 1 cent per pound; tree and shrub, 8 cents per pound; turnip, 4 cents per pound; rutabaga, 4 cents per pound; flower, 6 cents per pound; all other garden and field seeds not specially provided for, 6 cents per pound: Provided, That the provisions for seeds in this schedule shall include such seeds whether used for planting or for other purposes.

Par 763. Beans, not specially provided for, green or unripe one-half of 1 cent per pound; dried 1¾ cents per pound, in brine, prepared or preserved in any manner, 2 cents per pound.

Par. 764. Sugar beets, 80 cents per ton; other beets, 17 per centum ad valorem.

Par. 765 Lentils, one-half of 1 cent per pound; lupines, one-half of 1 cent per pound.

Par. 766 Mushrooms, fresh, or dried or otherwise prepared or preserved, 45 per centum ad valorem, truffles, fresh, or dried or otherwise prepared or preserved, 25 per centum ad valorem.

Par. 767. Peas, green or dried, 1 cent per pound; peas, split, 1¼ cents per pound; peas, prepared or preserved in any manner 2 cents per pound

Par 768 Onions, 1 cent per pound; garlic, 2 cents per pound.

Par 769 White or Irish potatoes, 50 cents per one hundred pounds; dried, dehydrated, or desiccated potatoes, 2¼ cents per pound, potato flour, 2½ cents per pound

Par 770 Tomatoes in their natural state, one-half of 1 cent per pound, tomato paste, 40 per centum ad valorem, all other, prepared or preserved in any manner 15 per centum ad valorem

Par. 771 Turnips, 12 cents per one hundred pounds

Par 772. Vegetables in their natural state, not specially provided for, 25 per centum ad valorem: Provided, That in the assessment of duties on vegetables no segregation or allowance of any kind shall be made for foreign matter or impurities mixed therewith

Par 773 Vegetables, if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared or preserved in any other way and not specially provided for, sauces of all kinds, not specially provided for, soya beans, prepared or preserved in any manner, bean stick, miso, bean cake, and similar products, not specially provided for; soups, pastes, balls, puddings, hash, and all similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for, 35 per centum ad valorem.

Par. 774 Acorns, and chicory and dandelion roots, crude, 1½ cents per pound, ground, or otherwise prepared, 3 cents per pound, all coffee substitutes and adulterants, and coffee essences, 3 cents per pound

Par. 775. Chocolate and cocoa, sweetened or unsweetened, powdered, or otherwise prepared, 17½ per centum ad valorem, but not less than 2 cents per pound, cacao butter, 25 per centum ad valorem.

Par. 776. Ginger root, candied, or otherwise prepared or preserved, 20 per centum ad valorem.

Par 777. Hay, $4 per ton; straw, $1 per ton.

Par. 778. Hops, 24 cents per pound; hop extract, $2 40 per pound; lupulin, 75 cents per pound.

Par 779 Spices and spice seeds: Anise seeds, 2 cents per pound; caraway seeds, 1 cent per pound; cardamom seeds, 10 cents per pound; cassia, cassia buds, and cassia vera, unground, 2 cents per pound; ground, 3 cents per pound; cloves, unground, 3 cents per pound; ground, 6 cents per pound; clove stems, unground, 2 cents per pound, ground, 5 cents per pound; cinnamon and cinnamon chips, unground, 2 cents per pound; ground, 5 cents per pound; coriander seeds, one-half of 1 cent per pound, cummin seeds, 1 cent per pound; fennel seeds, 1 cent per pound; ginger root, not preserved or candied, unground, 2 cents per pound, ground 5 cents per pound; mace, unground, 4 cents per pound; ground, 8 cents per pound; Bombay, or wild mace, unground, 18 cents per pound; ground, 22 cents per pound; mustard seeds (whole), 1 cent per pound; mustard, ground or prepared in bottles or otherwise, 8 cents per pound; nutmegs, unground, 2 cents per pound; ground, 5 cents per pound, pepper, capsicum or red pepper or cayenne pepper, and paprika, unground, 2 cents per pound, ground, 5 cents per pound, black or white pepper, unground, 2 cents per pound; ground, 5 cents per pound; pimento (allspice), unground, 1 cent per pound; ground, 3 cents per pound; whole pimientos, packed in brine or in oil, or prepared or preserved in any manner, 6 cents per pound; sage, unground, 1 cent per pound; ground, 3 cents per pound; mixed spices, and spices and spice seeds not specially provided for, including all herbs or herb leaves in glass or other small packages, for culinary use, 25 per centum ad valorem: Provided, That in all the foregoing

no allowance shall be made for dirt or other foreign matter: Provided further, That the importation of pepper shells, ground or unground, is hereby prohibited

Par 780. Teasels, 25 per centum ad valorem

SCHEDULE 8.—SPIRITS, WINES, AND OTHER BEVERAGES

Par 801 Nothing in this schedule shall be construed as in any manner limiting or restricting the provisions of Title II or III of the National Prohibition Act, as amended

The duties prescribed in Schedule 8 and imposed by Title I shall be in addition to the internal-revenue taxes imposed under existing law, or any subsequent Act.

Par 802 Brandy and other spirits manufactured or distilled from grain or other materials, cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and bitters of all kinds (except Angostura bitters) containing spirits, and compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for, $5 per proof gallon, Angostura bitters, $2 60 per proof gallon.

Par. 803. Champagne and all other sparkling wines, $6 per gallon

Par 804 Still wines, including ginger wine or ginger cordial, vermuth, and rice wine or sake, and similar beverages not specially provided for, $1 25 per gallon: Provided, That any of the foregoing articles specified in this paragraph when imported containing more than 24 per centum of alcohol shall be classed as spirits and pay duty accordingly.

Par 805 Ale, porter, stout, beer, and fluid malt extract, $1 per gallon, malt extract, solid or condensed, 60 per centum ad valorem

Par. 806 Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for, containing less than one-half of 1 per centum of alcohol, 70 cents per gallon, containing one-half of 1 per centum or more of alcohol, 70 cents per gallon and in addition thereto $5 per proof gallon on the alcohol contained therein; grape juice, grape sirup, and other similar products of the grape, by whatever name known, containing or capable of producing less than 1 per centum of alcohol, 70 cents per gallon, containing or capable of producing more than 1 per centum of alcohol, 70 cents per gallon, and in addition thereto $5 per proof gallon on the alcohol contained therein or that can be produced therefrom.

Par. 807 Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than one-half of 1 per centum of alcohol, not specially provided for, 15 cents per gallon.

Par. 808. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for, 10 cents per gallon.

Par 809. When any article provided for in this schedule is imported in bottles or jugs, duty shall be collected upon the bottles or jugs at one-third the rate provided on the bottles or jugs if imported empty or separately.

Par. 810. Each and every gauge or wine gallon of measurement shall be counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind when imported shall be the same as that which is defined in the laws relating to internal revenue. The Secretary of the Treasury, in his discretion, may authorize the ascertainment of the proof of wines, cordials, or other liquors and fruit juices by distillation or otherwise, in cases where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations.

Par 811. No lower rate or amount of duty shall be levied, collected, and paid on the articles enumerated in paragraph 802 of this schedule than that fixed by law for the description of first proof, but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy, spirits, or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than $5 per proof gallon: Provided, That any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other packages of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province, shall be forfeited to the United States.

Par 812 There shall be no constructive or other allowance for breakage, leakage, or damage on wines liquors, cordials, or distilled spirits, except that when it shall appear to the collector of customs from the gauger's return, verified by an affidavit by the importer to be filed within five days after the delivery of the merchandise, that a cask or package has been broken or otherwise injured in transit from a foreign port and as a result thereof a part of its contents, amounting to 10 per centum or more of the total value of the contents of the said cask or package in its condition as exported, has been lost, allowance therefor may be made in the liquidation of the duties

Par 813 No wines, spirits, or other liquors or articles provided for in this schedule containing one-half of 1 per centum or more of alcohol shall be imported or permitted entry except on a permit issued therefor by the Commissioner of Internal Revenue, and any such wines, spirits, or other liquors or articles imported or brought into the United States without a permit shall be seized and forfeited in the same manner as for other violations of the customs laws.

Par. 814 The Secretary of the Treasury is hereby authorized and directed to make all rules and regulations necessary for the enforcement of the provisions of this schedule.

SCHEDULE 9—COTTON MANUFACTURES

Par 901. Cotton yarn, including warps, in any form, not bleached, dyed, colored, combed, or plied, of numbers not exceeding number 40, one-fifth of 1 cent per number per pound; exceeding number 40 and not exceeding number 120, 8 cents per pound and, in addition thereto, one-fourth of 1 cent per number per pound for every number in excess of number 40; exceeding number 120, 28 cents per pound: Provided, That none of the foregoing, of numbers not exceeding number 80, shall pay less duty than 5 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor of numbers exceeding number 80, less than 25 per centum ad valorem.

Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied, of numbers not exceeding number 40, one-fourth of 1 cent per number per pound; exceeding number 40 and not exceeding number 120, 10 cents per pound and, in addition thereto, three-tenths of 1 cent per number per pound for every number in excess of number 40; exceeding number 120, 34 cents per pound: Provided, That none

of the foregoing, of numbers not exceeding number 80, shall pay less duty than 10 per centum ad valorem, and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem; nor of numbers exceeding number 80, less than 30 per centum ad valorem: Provided further, That when any of the foregoing yarns are printed, dyed, or colored with vat dyes, there shall be paid a duty of 4 per centum ad valorem in addition to the above duties.

Cotton waste, manufactured or otherwise advanced in value, cotton card laps, sliver, and roving, 5 per centum ad valorem.

Par 902 Cotton sewing thread, one-half of 1 cent per hundred yards, crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding eight hundred and forty yards, one-half of 1 cent per hundred yards Provided, That none of the foregoing shall pay a less rate of duty than 20 nor more than 35 per centum ad valorem In no case shall the duty be assessed on a less number of yards than is marked on the goods as imported.

Par 903 Cotton cloth, not bleached, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed number 40, forty one-hundredths of 1 cent per average number per pound, exceeding number 40, 16 cents per pound and, in addition thereto, fifty-five one-hundredths of 1 cent per average number per pound for every number in excess of number 40: Provided, That none of the foregoing, when containing yarns the average number of which does not exceed number 80, shall pay less duty than 10 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem, nor when exceeding number 80, less than 30 per centum ad valorem.

Cotton cloth, bleached, containing yarns the average number of which does not exceed number 40, forty-five one-hundredths of 1 cent per average number per pound; exceeding number 40, 18 cents per pound and, in addition thereto, three-fifths of 1 cent per average number per pound for every number in excess of number 40: Provided, That none of the foregoing, when containing yarns the average number of which does not exceed number 80, shall pay less duty than 13 per centum ad valorem and, in addition thereto, for each number, one-fourth of 1 per centum ad valorem, nor when exceeding number 80, less than 33 per centum ad valorem.

Cotton cloth, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed number 40, fifty-five one-hundredths of 1 cent per average number per pound; exceeding number 40, 22 cents per pound and, in addition thereto, sixty-five one-hundredths of 1 cent per average number per pound for every number in excess of number 40: Provided, That none of the foregoing, when containing yarns the average number of which does not exceed number 80, shall pay less duty that 15 per centum ad valorem and, for each number, five-sixteenths of 1 per centum ad valorem; nor when exceeding number 80, less than 40 per centum ad valorem: Provided further, That when not less than 40 per centum of the cloth is printed, dyed, or colored with vat dyes, there shall be paid a duty of 4 per centum ad valorem in addition to the above duties. Plain gauze or leno woven cotton nets or nettings shall be classified for duty as cotton cloth.

Par. 904. The term cotton cloth, or cloth, wherever used in this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece, whether figured, fancy, or plain, and shall not include any article, finished or unfinished, made from cotton cloth. In the ascertainment of the condition of the cloth or yarn upon which the duties imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof shall be included The average number of the yarn in cotton cloth herein provided for shall be obtained by taking the length of the thread or yarn to be equal to the distance covered by it in the cloth in the condition as imported, except that all clipped threads shall be measured as if continuous; in counting the threads all ply yarns shall be separated into singles and the count taken of the total singles; the weight shall be taken after any excessive sizing is removed by boiling or other suitable process.

Par. 905 Tire fabric or fabric for use in pneumatic tires, including cord fabric, 25 per centum ad valorem.

Par. 906 In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per centum ad valorem, on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per centum ad valorem In no case shall the duty or duties imposed upon cotton cloth in paragraphs 903, or 903 and 906 exceed 45 per centum ad valorem.

Par 907 Tracing cloth, 5 cents per square yard and 20 per centum ad valorem; cotton window hollands, all oilcloths (except silk oilcloths and oilcloths for floors), and filled or coated cotton cloths not specially provided for, 3 cents per square yard and 20 per centum ad valorem, waterproof cloth composed wholly or in chief value of cotton or other vegetable fiber, whether or not in part of india rubber, 5 cents per square yard and 30 per centum ad valorem.

Par. 908 Cloth in chief value of cotton, containing silk or artificial silk, shall be classified for duty as cotton cloth under paragraphs 903, 904, and 906, and in addition thereto there shall be paid on all such cloth, 5 per centum ad valorem. Provided, That none of the foregoing shall pay a rate of duty of more than 45 per centum ad valorem

Par. 909 Tapestries, and other Jacquard woven upholstery cloths, Jacquard woven blankets and Jacquard woven napped cloths, all the foregoing, in the piece or otherwise, composed wholly or in chief value of cotton or other vegetable fiber, 45 per centum ad valorem.

Par. 910. Pile fabrics, composed wholly or in chief value of cotton, including plush and velvet ribbons, cut, or uncut, whether or not the pile covers the whole surface, and manufactures, in any form, made or cut from cotton pile fabrics, 50 per centum ad valorem; terry-woven fabrics, composed wholly or in chief value of cotton, and manufactures, in any form, made or cut from terry-woven fabrics, 40 per centum ad valorem.

Par. 911. Table damask, composed wholly or in chief value of cotton, and manufactures, in any form, composed wholly or in chief value of such damask, 30 per centum ad valorem.

Par. 912. Quilts or bedspreads, in the piece or otherwise, composed wholly or in chief value of cotton, woven of two or more sets of warp threads or of two or more sets of filling threads, 40 per centum ad valorem; other quilts or bedspreads, wholly or in chief value of cotton, 25 per centum ad valorem; sheets, pillowcases, blankets, towels, polishing cloths, dust cloths, and mop cloths, composed wholly or in chief value of cotton, not Jacquard figured or terry-woven, nor made of pile fabrics, and not specially provided for, 25 per centum ad valorem; table and bureau covers, centerpieces, runners, scarfs, napkins,

and doilies, made of plain-woven cotton cloth, and not specially provided for, 30 per centum ad valorem

Par 913. Fabrics with fast edges not exceeding twelve inches in width, and articles made therefrom, tubings, garters, suspenders, braces, cords tassels, and cords and tassels, all the foregoing composed wholly or in chief value of cotton or of cotton and india rubber, and not specially provided for, 35 per centum ad valorem, spindle banding, and lamp stove or candle wicking, made of cotton or other vegetable fiber 10 cents per pound and 12½ per centum ad valorem; boot, shoe, or corset lacings, made of cotton or other vegetable fiber, 15 cents per pound and 20 per centum ad valorem; loom harness, healds, and collets, made wholly or in chief value of cotton or other vegetable fiber, 25 cents per pound and 25 per centum ad valorem; labels for garments or other articles, composed of cotton or other vegetable fiber, 50 per centum ad valorem, belting, for machinery, composed wholly or in chief value of cotton or other vegetable fiber, or cotton or other vegetable fiber and india rubber 30 per centum ad valorem.

Par 914 Knit fabric, in the piece, composed wholly or in chief value of cotton or other vegetable fiber, made on a warp-knitting machine, 55 per centum ad valorem, made on other than a warp-knitting machine, 35 per centum ad valorem.

Par 915. Gloves, composed wholly or in chief value of cotton or other vegetable fiber, made of fabric knit on a warp-knitting machine, if single fold of such fabric, when unshrunk and not sueded, and having less than forty rows of loops per inch in width on the face of the glove, 50 per centum ad valorem; when shrunk or sueded or having forty or more rows of loops per inch in width on the face of the glove, and not over eleven inches in length, $2.50 per dozen pairs, and for each additional inch in excess of eleven inches, 10 cents per dozen pairs, if of two or more folds of fabric, any fold of which is made on a warp-knitting machine, and not over eleven inches in length, $3 per dozen pairs, and for each additional inch in excess of eleven inches, 10 cents per dozen pairs, but in no case shall any of the foregoing duties be less than 40 nor more than 75 per centum ad valorem; made of fabric knit on other than a warp-knitting machine, 50 per centum ad valorem; made of woven fabric, 25 per centum ad valorem.

Par. 916. Hose and half-hose, selvedged, fashioned, seamless, or mock-seamed, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, 50 per centum ad valorem.

Hose and half-hose, finished or unfinished, made or cut from knitted fabric composed of cotton or other vegetable fiber, and not specially provided for, 30 per centum ad valorem.

Par 917. Underwear and all other wearing apparel of every description, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, and not specially provided for, 45 per centum ad valorem.

Par. 918. Handkerchiefs and mufflers, composed wholly or in chief value of cotton, finished or unfinished, not hemmed, shall pay duty as cloth; hemmed or hemstitched, shall pay, in addition thereto, 10 per centum ad valorem: Provided, That none of the foregoing, when containing yarns the average number of which does not exceed number 40, shall pay less than 30 per centum ad valorem; nor when exceeding number 40, less than 40 per centum ad valorem.

Par. 919. Clothing and articles of wearing apparel of every description, manufactured wholly or in part, composed wholly or in chief value of cotton, and not specially provided for, 35 per centum ad valorem.

Shirt collars and cuffs, of cotton, not specially provided for, 30 cents per dozen pieces and 10 per centum ad valorem

Par 920 Lace window curtains, nets, nettings, pillow shams and bed sets and all other articles and fabrics, by whatever name known, plain or Jacquard figured, finished or unfinished wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, and composed of cotton or other vegetable fiber, when counting not more than five points or spaces between the warp threads to the inch, 1½ cents per square yard, when counting more than five such points or spaces to the inch, three-fourths of 1 cent per square yard in addition for each point in excess of five, and in addition thereto, on all the foregoing articles in this paragraph, 25 per centum ad valorem: Provided, That none of the foregoing shall pay a less rate of duty than 60 per centum ad valorem.

Par 921 All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for, 40 per centum ad valorem.

SCHEDULE 10—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF

Par. 1001. Flax straw, $2 per ton; flax, not hackled, 1 cent per pound, flax hackled, including "dressed line," 2 cents per pound; flax tow and flax noils, crin vegetal, or palm-leaf fiber, twisted or not twisted, three-fourths of 1 cent per pound; hemp and hemp tow, 1 cent per pound; hackled hemp, 2 cents per pound.

Par. 1002. Silver and roving, of flax, hemp, ramie, or other vegetable fiber, not specially provided for, 20 per centum ad valorem.

Par 1003. Jute yarns or roving, single, coarser in size than twenty-pound, 2½ cents per pound, twenty-pound up to but not including ten-pound, 4 cents per pound, ten-pound up to but not including five-pound, 5½ cents per pound, five-pound and finer, 7 cents per pound, but not more than 40 per centum ad valorem; jute silver, 1½ cents per pound; twist, twine, and cordage composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than twenty-pound, 3½ cents per pound, twenty-pound up to but not including ten-pound, 5 cents per pound; ten-pound up to but not including five-pound, 6½ cents per pound; five-pound and finer, 11 cents per pound.

Par 1004. Single yarns, in the gray, made of flax, hemp, or ramie, or a mixture of any of them, not finer than twelve lea, 10 cents per pound; finer than twelve lea and not finer than sixty lea, 10 cents per pound and one-half of 1 cent per pound additional for each lea or part of a lea in excess of twelve, finer than sixty lea, 35 cents per pound; and in addition thereto, on any of the foregoing yarns when boiled, 2 cents per pound; when bleached, dyed, or otherwise treated, 5 cents per pound: Provided, That the duty on any of the foregoing yarns shall not be less than 25 nor more than 35 per centum ad valorem. Threads, twines, and cords, composed of two or more yarns of flax, hemp, or ramie, or a mixture of any of them, twisted together, the size of the single yarn of which is not finer than eleven lea, 18¼ cents per pound; finer than eleven lea and not finer than sixty lea, 18¼ cents per pound and three-fourths of 1 cent per pound additional for each lea or part of a lea in excess of eleven; finer than sixty lea, 56 cents per pound; and in addition thereto, on any of the foregoing threads, twines, and cords when boiled, 2 cents per pound, when bleached, dyed, or otherwise treated, 5 cents per pound: Provided, That the duty on the foregoing

threads twines, and cords shall be not less than 30 per centum ad valorem.

Par 1005 Cordage, including cables, tarred or untarred wholly or in chief value of manila, sisal, or other hard fibers three-fourths of 1 cent per pound, cordage, including cables, tarred or untarred, wholly or in chief value of sunn, or other bast fibers, but not including cordage made of jute, 2 cents per pound, wholly or in chief value of hemp 2½ cents per pound

Par 1006 Gill nettings, nets webs and seines and other nets for fishing, composed wholly or in chief value of flax, hemp or ramie and not specially provided for, shall pay the same duty per pound as the highest rate imposed in this Act upon any of the thread, twine, or cord of which the mesh is made, and, in addition thereto, 10 per centum ad valorem

Par. 1007 Hose, suitable for conducting liquids or gases, composed wholly or in chief value of vegetable fiber, 17 cents per pound and 10 per centum ad valorem

Par 1008 Fabrics, composed wholly of jute plain-woven, twilled and all other, not specially provided for, not bleached, printed, stenciled, painted, dyed colored, nor rendered noninflammable, 1 cent per pound, bleached, printed, stenciled, painted, dyed colored, or rendered noninflammable, 1 cent per pound and 10 per centum ad valorem.

Par 1009. Woven fabrics, not including articles finished or unfinished of flax, hemp or ramie, or of which these substances or any of them is the component material of chief value (except such as are commonly used as paddings or interlinings in clothing), exceeding thirty and not exceeding one hundred threads to the square inch, counting the warp and filling, weighing not less than four and one-half and not more than twelve ounces per square yard, and exceeding twelve inches but not exceeding twenty-four inches in width, 55 per centum ad valorem.

Woven fabrics, such as are commonly used for paddings or interlinings in clothing, composed wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding thirty and not exceeding one hundred and ten threads to the square inch, counting the warp and filling, and weighing not less than four and one-half and not more than twelve ounces per square yard, 55 per centum ad valorem; composed wholly or in chief value of jute, exceeding thirty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half ounces and not more than twelve ounces per square yard, 50 per centum ad valorem.

Par. 1010 Woven fabrics, not including articles finished or unfinished, or flax, hemp, ramie, or other vegetable fiber except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for, 40 per centum ad valorem

Par. 1011. Plain-woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than four and one-half ounces per square yard, 35 per centum ad valorem.

Par. 1012. Pile fabrics, composed wholly or in chief value of vegetable fiber other than cotton, cut or uncut, whether or not the pile covers the whole surface, and manufactures in any form, made or cut from any of the foregoing, 45 per centum ad valorem.

Par. 1013. Table damask composed wholly or in chief value of vegetable fiber other than cotton, and manufactures composed wholly or in chief value of such damask, 40 per centum ad valorem.

Par. 1014. Towels and napkins, finished or unfinished, composed wholly or in chief value of flax, hemp, or ramie or of which these substances are or any of them is the component material of chief value, not exceeding one hundred and twenty threads to the square inch counting the warp and filling, 55 per centum ad valorem, exceeding one hundred and twenty threads to the square inch, counting the warp and filling 40 per centum ad valorem; sheets and pillowcases composed wholly or in chief value of flax, hemp or ramie or of which these substances are, or any of them is, the component material of chief value, 40 per centum ad valorem

Par 1015. Fabrics with fast edges not exceeding twelve inches in width and articles made therefrom, tubings garters suspenders, braces cords, tassels, and cords and tassels, all the foregoing composed wholly or in chief value of vegetable fiber other than cotton, or of vegetable fiber other than cotton and india rubber, 35 per centum ad valorem, tapes composed wholly or in part of flax, woven with or without metal threads, on reels, spools, or otherwise, and designed expressly for use in the manufacture of measuring tapes, 30 per centum ad valorem

Par. 1016. Handkerchiefs composed wholly or in chief value of vegetable fiber other than cotton, finished or unfinished, not hemmed, 35 per centum ad valorem, hemmed or hemstitched, or unfinished having drawn threads, 45 per centum ad valorem

Par 1017 Clothing and articles of wearing apparel of every description, composed wholly or in chief value of vegetable fiber other than cotton, and whether manufactured wholly or in part, not specially provided for, 35 per centum ad valorem; shirt collars and cuffs, composed wholly or in part of flax, 40 cents per dozen and 10 per centum ad valorem

Par 1018. Bags or sacks made from plain woven fabrics of single jute yarns or from twilled or other fabrics composed wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 1 cent per pound and 10 per centum ad valorem; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 1 cent per pound and 15 per centum ad valorem

Par. 1019 Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing not less than fifteen ounces nor more than thirty-two ounces per square yard, six-tenths of 1 cent per square yard, weighing more than thirty-two ounces per square yard, three-tenths of 1 cent per pound.

Par. 1020. Linoleum, including corticine and cork carpet, 35 per centum ad valorem, floor oilcloth, 20 per centum ad valorem; mats or rugs made of linoleum or floor oilcloth shall be subject to the same rates of duty as herein provided for linoleum or floor oilcloth.

Par. 1021. All woven articles, finished or unfinished, and all manufactures of vegetable fiber other than cotton, or of which such fibers or any of them is the component material of chief value, not specially provided for, 40 per centum ad valorem

Par. 1022. Common China, Japan, and India straw matting, and floor coverings made therefrom, 3 cents per square yard: carpets, carpeting, mats, matting, and rugs, made wholly of cotton, flax, hemp, or jute, or a mixture thereof, 35 per centum ad valorem, all other floor coverings not specially provided for, 40 per centum ad valorem.

Par. 1023. Matting made of cocoa fiber or rattan, 8 cents per square yard; mats made of cocoa fiber or rattan, 6 cents per square foot.

SCHEDULE 11.—WOOL AND MANUFACTURES OF

Par. 1101. Wools, not improved by the admixture of merino or English blood such as Donskoi, native Smyrna, native South American, Cordova, Valparaiso, and other wools of like character or description, and hair of the camel, in the grease, 12 cents per pound; washed, 18 cents per pound, scoured, 24 cents per pound The duty on such wools imported on the skin shall be 11 cents per pound: Provided, That such wools may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe: and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools have been used in the manufacture of rugs carpets, or any other floor coverings, the duties shall be remitted or refunded: Provided further, That if any such wools imported under bond as above prescribed are used in the manufacture of articles other than rugs, carpets, or any other floor coverings, there shall be levied, collected, and paid on any wools so used in violation of the bond, in addition to the regular duties provided by this paragraph, 20 cents per pound, which shall not be remitted or refunded on exportation of the articles or for any other reason • Wools in the grease shall be considered such as shall have been shorn from the sheep without any cleansing; that is, in their natural condition. Washed wools shall be considered such as have been washed with water only on the sheep's back, or on the skin.

Par. 1102. Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, imported in the grease or washed, 31 cents per pound of clean content; imported in the scoured state, 31 cents per pound; imported on the skin, 30 cents per pound of clean content.

Par. 1103. If any bale or package containing wools, hairs, wool wastes, or wool waste material, subject to different rates of duty, be entered at any rate or rates lower than applicable, the highest rate applicable to any part shall apply to the entire contents of such bale or package.

Par. 1104. The Secretary of the Treasury is hereby authorized and directed to prescribe methods and regulations for carrying out the provisions of this schedule relating to the duties on wool and hair.

Par. 1105. Top waste, slubbing waste, roving waste, and ring waste, 31 cents per pound; garnetted waste, 24 cents per pound; noils, carbonized, 24 cents per pound; noils, not carbonized, 19 cents per pound; thread or yarn waste, and all other wool wastes not specially provided for, 16 cents per pound; shoddy, and wool extract, 16 cents per pound; mungo, woolen rags, and flocks, 7½ cents per pound. Wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool wastes.

Par. 1106. Wool, and hair of the kinds provided for in this schedule, which has been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, including tops, but not further advanced than roving, 33 cents per pound and 20 per centum ad valorem.

Par. 1107 Yarn, made wholly or in chief value of wool, valued at not more than 30 cents per pound, 24 cents per pound and 30 per centum ad valorem; valued at more than 30 cents but not more than $1 per pound, 36 cents per pound and 35 per centum ad valorem; valued at more than $1 per pound, 36 cents per pound and 40 per centum ad valorem.

Par. 1108. Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, valued at not more than 80 cents per pound, 37 cents per pound and 50 per centum ad valorem; valued at more than 80 cents per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem Provided, That if the warp of any of the foregoing is wholly of cotton or other vegetable fiber, the duty shall be 36 cents per pound and 50 per centum ad valorem

Par. 1109 Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool, valued at not more than 60 cents per pound, 24 cents per pound and 40 per centum ad valorem; valued at more than 60 cents but not more than 80 cents per pound, 37 cents per pound and 50 per centum ad valorem, valued at more than 80 cents but not more than $1 50 per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem, valued at more than $1 50 per pound, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem

Par. 1110 Pile fabrics, cut or uncut, whether or not the pile covers the whole surface, made wholly or in chief value of wool, and manufactures in any form, made or cut from such pile fabrics, 40 cents per pound and 50 per centum ad valorem.

Par. 1111. Blankets and similar articles, including carriage and automobile robes and steamer rugs, made of blanketing, wholly or in chief value of wool, not exceeding three yards in length, valued at not more than 50 cents per pound 18 cents per pound and 30 per centum ad valorem; valued at more than 50 cents but not more than $1 per pound, 27 cents per pound and 32½ per centum ad valorem; valued at more than $1 but not more than $1 50 per pound, 30 cents per pound and 35 per centum ad valorem, valued at more than $1.50 per pound, 37 cents per pound and 40 per centum ad valorem

Par. 1112 Felts, not woven, wholly or in chief value of wool, valued at not more than 50 cents per pound, 18 cents per pound and 30 per centum ad valorem; valued at more than 50 cents but not more than $1 50 per pound, 27 cents per pound and 35 per centum ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per centum ad valorem.

Par 1113 Fabrics with fast edges not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, and cords and tassels; all the foregoing, if wholly or in chief value of wool, 45 cents per pound upon the wool content thereof and 50 per centum ad valorem.

Par. 1114. Knit fabrics in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, 30 cents per pound and 40 per centum ad valorem; valued at more than $1 per pound, 45 cents per pound and 50 per centum ad valorem.

Hose and half hose, and gloves and mittens, wholly or in chief value of wool, valued at not more than $1 75 per dozen pairs, 36 cents per pound and 35 per centum ad valorem; valued at more than $1.75 per dozen pairs, 45 cents per pound and 50 per centum ad valorem.

Knit underwear, finished or unfinished, wholly or in chief value of wool, valued at not more than $1.75 per pound, 36 cents per pound and 30 per centum ad valorem; valued at more than $1.75 per pound, 45 cents per pound and 50 per centum ad valorem.

Outerwear and other articles, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for, valued at not more than $1 per pound, 36 cents per pound and 40 per centum ad valorem; valued at more than $1 and not more than $2 per pound, 40 cents per pound and 45 per centum ad valorem; valued at more than $2 per pound, 45 cents per pound and 50 per centum ad valorem.

Par. 1115. Clothing and articles of wearing apparel of every description, not knit or crocheted, man-

ufactured wholly or in part, composed wholly or in chief value of wool, valued at not more than $2 per pound, 24 cents per pound and 40 per centum ad valorem, valued at more than $2 but not more than $4 per pound, 30 cents per pound and 45 per centum ad valorem, valued at more than $4 per pound, 45 cents per pound and 50 per centum ad valorem

Par. 1116. Oriental, Axminster, Savonnerie, Aubusson, and other carpets and rugs, not made on a power-driven loom, carpets and rugs of oriental weave or weaves produced on a power-driven loom; chenille Axminster carpets and rugs whether woven as separate carpets and rugs or in rolls of any width, all the foregoing, plain or figured, 55 per centum ad valorem.

Par. 1117 Axminster carpets and rugs not specially provided for; Wilton carpets and rugs, Brussels carpets and rugs, velvet and tapestry carpets and rugs, and carpets and rugs of like character or description, 40 per centum ad valorem

Ingrain carpets, and ingrain rugs or art squares of whatever material composed, and carpets and rugs of like character or description, not specially provided for, 25 per centum ad valorem

All other floor coverings, including mats and druggets, not specially provided for, composed wholly or in chief value of wool, 30 per centum ad valorem

Parts of any of the foregoing shall be dutiable at the rate provided for the complete article

Par. 1118 Screens, hassocks, and all other articles composed wholly or in part of carpets or rugs, and not specially provided for, 30 per centum ad valorem

Par. 1119 All manufactures not specially provided for, wholly or in chief value of wool, 50 per centum ad valorem

Par. 1120. Whenever in this title the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, Angora goat, Cashmere goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SCHEDULE 12—SILK AND SILK GOODS

Par. 1201. Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, or silk and artificial silk, and silk noils exceeding two inches in length; all the foregoing not twisted or spun, 35 per centum ad valorem.

Par. 1202. Spun silk or schappe silk yarn, or yarn of silk and artificial silk, and roving, in skeins, cops or warps, if not bleached, dyed, colored, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number 205, 45 cents per pound, and in addition thereto ten one-hundredths of 1 cent per number per pound; exceeding number 205, 45 cents per pound, and in addition thereto fifteen one-hundredths of 1 cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, the specific rate on the single yarn and in addition thereto 5 cents per pound cumulative, if bleached, dyed, or colored, the specific rate on unbleached yarn and in addition thereto 10 cents per pound cumulative: Provided, That any of the foregoing on bobbins, spools, or beams, shall pay the foregoing specific rates, according to the character of the yarn or roving, and in addition thereto 10 cents per pound: Provided further, That none of the foregoing single yarn or roving shall pay a less rate of duty than 40 per centum ad valorem: And provided further, That none of the foregoing two or more ply yarn shall pay a less rate of duty than 45 per centum ad valorem In assessing duty on all spun silk or schappe silk yarn, or yarn of silk and artificial silk and roving the number indicating the size of the yarn or roving shall be determined by the number of kilometers that weigh one kilogram, and shall, in all cases, refer to the size of the singles And provided further, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams

Par 1203 Thrown silk not more advanced than singles tram, or organzine, 25 per centum ad valorem

Par 1204 Sewing silk, twist floss, and silk threads or yarns of any description, made from raw silk, not specially provided for, if in the gum $1 per pound, but not less than 35 per centum ad valorem if ungummed wholly or in part, or if further advanced by any process of manufacture, $1 50 per pound, but not less than 40 per centum ad valorem. In no case shall the duty be assessed on a less number of yards than is marked on the goods as imported

Par 1205. Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for, 55 per centum ad valorem

Par 1206. Plushes, including such as are commercially known as hatter's plush, velvets, chenilles, velvet or plush ribbons, and all other pile fabrics, cut or uncut, composed wholly or in chief value of silk, 60 per centum ad valorem.

Par. 1207 Fabrics with fast edges, wholly or in chief value of silk, not exceeding twelve inches in width, including ribbons, and articles made therefrom, tubings, garters suspenders, braces, cords, tassels and cords and tassels all the foregoing composed wholly or in chief value of silk or of silk and india rubber not embroidered in any manner by hand or machinery, and not specially provided for, 55 per centum ad valorem.

Par. 1208. Knit fabrics, in the piece, composed wholly or in chief value of silk, 55 per centum ad valorem, knit underwear, hose, half hose, and gloves, finished or unfinished, composed wholly or in chief value of silk, 60 per centum ad valorem, outerwear and other goods, knit or crocheted, finished or unfinished, composed wholly or in chief value of silk, 60 per centum ad valorem

Par. 1209 Handkerchiefs, and woven mufflers, composed wholly or in chief value of silk, finished or unfinished, not hemmed, 55 per centum ad valorem; hemmed or hemstitched, 60 per centum ad valorem.

Par. 1210 Clothing, and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, composed wholly or in chief value of silk, and not specially provided for, 60 per centum ad valorem

Par 1211. All manufactures of silk, or of which silk is the component material of chief value, not specially provided for, 60 per centum ad valorem.

Par 1212 In ascertaining the weight or number of silk under the provisions of this schedule, either in the threads, yarns, or fabrics, the weight or number shall be taken in the condition in which found in the goods, without deduction therefrom for any dye, coloring matter, or moisture, or other foreign substance or material. The number of single threads to the inch in the warp provided for in this title shall be determined by the number of spun or reeled singles of which such single or two or more ply threads are composed.

Par. 1213. Artificial silk waste, 10 per centum ad valorem; artificial silk waste, not further advanced than sliver or roving, 20 cents per pound, but not less than 25 per centum ad valorem; yarns made from artificial silk waste, if singles, 25 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 30 cents per pound; yarns, threads, and filaments of artificial

or imitation silk, or of artificial or imitation horsehair, by whatever name known and by whatever process made, if singles, 45 cents per pound, if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 50 cents per pound, products of cellulose, not compounded, whether known as viscà, cellophane, or by any other name, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, 55 cents per pound, but none of the foregoing yarns, threads, or filaments, or products of cellulose shall pay a less rate of duty than 15 per centum ad valorem. Knit goods, ribbons, and other fabrics and articles composed wholly or in chief value of any of the foregoing, 45 cents per pound and 60 per centum ad valorem

SCHEDULE 13.—PAPERS AND BOOKS

Par. 1301. Printing paper, not specially provided for, one fourth of 1 cent per pound and 10 per centum ad valorem: Provided, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly), or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such prohibition, restriction, export duty, or other export charge, and if it is not removed he may, by proclamation, declare such failure of negotiations, setting forth the facts. Thereupon, and until such prohibition, restriction, export duty, or other export charge is removed, there shall be imposed upon printing paper provided for in this paragraph, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of 10 per centum ad valorem and in addition thereto an amount equal to the highest export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

Par. 1302. Paper board, wallboard, and pulpboard, including cardboard, and leather board or compress leather, not laminated, glazed, coated, lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for, 10 per centum ad valorem; pulpboard in rolls for use in the manufacture of wallboard, 5 per centum ad valorem: Provided, That for the purposes of this Act any of the foregoing less than nine one-thousandths of an inch in thickness shall be deemed to be paper; sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated, 10 per centum ad valorem. If any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States.

Par. 1303. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber, 20 per centum ad valorem, indurated fiber ware, masks composed of paper, pulp or papier-mâché, manufactures of pulp, and manufactures of papier-mâché, not specially provided for, 25 per centum ad valorem

Par. 1304. Papers commonly known as tissue paper, stereotype paper, and copying paper, India and bible paper, condenser paper, carbon paper, coated or uncoated, bibulous paper, pottery paper, tissue paper for waxing, and all paper similar to any of the foregoing, not specially provided for, colored or uncolored, white or printed, weighing not over six pounds to the ream of four hundred and eighty sheets on the basis of twenty by thirty inches, and whether in reams or any other form, 6 cents per pound and 15 per centum ad valorem, weighing over six pounds and less than ten pounds to the ream, 5 cents per pound and 15 per centum ad valorem; India and bible paper weighing ten pounds or more and less than eighteen pounds to the ream, 4 cents per pound and 15 per centum ad valorem; crêpe paper, 6 cents per pound and 15 per centum ad valorem: Provided, that no article composed wholly or in chief value of one or more of the papers specified in this paragraph shall pay a less rate of duty than that imposed upon the component paper of chief value of which such article is made

Par. 1305. Papers with coated surface or surfaces, not specially provided for, 5 cents per pound and 15 per centum ad valorem; papers with coated surface or surfaces, embossed or printed otherwise than lithographically, and papers wholly or partly covered with metal or its solutions (except as herein provided), or with gelatin, linseed oil cement, or flock, 5 cents per pound and 15 per centum ad valorem; papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, 4½ cents per pound, and in addition thereto, if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock, 17 per centum ad valorem: Provided, That paper wholly or partly covered with metal or its solutions, and weighing less than fifteen pounds per ream of four hundred and eighty sheets, on the basis of twenty by twenty-five inches, shall pay a duty of 5 cents per pound and 17 per centum ad valorem; gummed papers, not specially provided for, including simplex decalcomania paper not printed, 5 cents per pound; clothlined or reinforced paper, 5 cents per pound and 17 per centum ad valorem; papers with paraffin or wax-coated surface or surfaces, vegetable parchment paper, grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, by whatever name known, all other grease-proof and imitation parchment paper, not specially provided for, by whatever name known, 3 cents per pound and 15 per centum ad valorem; bags, printed matter other than lithographic, and all other articles, composed wholly or in chief value of any of the foregoing papers, not specially provided for, and all boxes of paper or papier-mâché or wood covered or lined with any of the foregoing papers or lithographed paper, or covered or lined with cotton or other vegetable fiber, 5 cents per pound and 20 per centum ad valorem; plain basic paper for albumenizing, sensitizing, baryta coating, or for photographic processes by using solar or artificial light, 3 cents per pound and 15 per centum ad valorem; albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, 3 cents per pound and 20 per centum ad valorem; wet transfer paper or paper prepared wholly with glycerin or glycerin combined

with other materials, containing the imprints taken from lithographic plates or stones, 65 per centum ad valorem

Par 1306 Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for, shall pay duty at the following rates Labels and flaps, printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, 25 cents per pound, cigar bands of the same number of colors and printings, 35 cents per pound, labels and flaps printed in eight or more colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, 35 cents per pound, cigar bands of the same number of colors and printings, 50 cents per pound, labels and flaps, printed in whole or in part in metal leaf, 60 cents per pound; cigar bands, printed in whole or in part in metal leaf, 65 cents per pound, all labels, flaps, and bands, not exceeding ten square inches cutting size in dimensions, if embossed or die-cut, shall pay the same rate of duty as hereinbefore provided for cigar bands of the same number of colors and printings (but no extra duty shall be assessed on labels, flaps, and bands for embossing or die-cutting), fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, 8 cents per pound; decalcomanias in ceramic colors, weighing not over one hundred pounds per one thousand sheets on the basis of twenty by thirty inches in dimensions, 70 cents per pound and 15 per centum ad valorem; weighing over one hundred pounds per one thousand sheets on the basis of twenty by thirty inches in dimensions, 22 cents per pound and 15 per centum ad valorem; if backed with metal leaf, 65 cents per pound; all other decalcomanias, except toy decalcomanias, 40 cents per pound; all other articles than those hereinbefore specifically provided for in this paragraph, not exceeding eight one-thousandths of an inch in thickness, 25 cents per pound; exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, and less than thirty-five square inches cutting size in dimensions, 10 cents per pound; exceeding thirty-five square inches cutting size in dimensions, 9½ cents per pound, and in addition thereto on all of said articles exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, if either die-cut or embossed, one-half of 1 cent per pound; if both die-cut and embossed, 1 cent per pound; exceeding twenty one-thousandths of an inch in thickness, 7½ cents per pound: Provided, That in the case of articles hereinbefore specified the thickness which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material shall be the combined thickness of the lithograph and the foundation on which it is mounted or pasted, and the cutting size shall be the area which is the product of the greatest dimensions of length and breadth of the article, and if the article is made up of more than one piece, the cutting size shall be the combined cutting sizes of all of the lithographically printed parts in the article

Par. 1307 Writing, letter, note, drawing, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, Bristol board of the kinds made on a Fourdrinier machine, and ledger, bond, record, tablet, typewriter, manifold, and onion skin and imitation onionskin paper, calendered or uncalendered, weighing seven pounds or over per ream, and paper similar to any of the foregoing, 3 cents per pound and 15 per centum ad valorem, but if any of the foregoing is ruled, bordered, embossed, printed, lined, or decorated in any manner, other than by lithographic process, it shall pay 10 per centum ad valorem in addition to the foregoing rates: Provided, That in computing the duty on such paper every one hundred and eighty-seven thousand square inches shall be taken to be a ream

Par 1308 Paper envelopes not specially provided for shall pay the same rate of duty as the paper from which made and in addition thereto, if plain, 5 per centum ad valorem, if bordered, embossed, printed, tinted, decorated, or lined, 10 per centum ad valorem; if lithographed, 30 per centum ad valorem

Par 1309 Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, 35 per centum ad valorem, hanging paper, not printed, lithographed, dyed, or colored, 10 per centum ad valorem, printed, lithographed, dyed, or colored, 1½ cents per pound and 20 per centum ad valorem, wrapping paper not specially provided for, 30 per centum ad valorem, blotting paper, 30 per centum ad valorem, filtering paper, 5 cents per pound and 15 per centum ad valorem, paper not specially provided for, 30 per centum ad valorem

Par 1310 Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for, if of bona fide foreign authorship, 15 per centum ad valorem, all other, not specially provided for, 25 per centum ad valorem, blank books, slate books, drawings, engravings, photographs, etchings, maps, and charts, 25 per centum ad valorem; book bindings or covers wholly or in part of leather, not specially provided for, 30 per centum ad valorem; books of paper or other material for children's use, printed lithographically or otherwise, not exceeding in weight twenty-four ounces each, with more reading matter than letters, numerals, or descriptive words, 25 per centum ad valorem; booklets, printed lithographically or otherwise, not specially provided for, 7 cents per pound, booklets, wholly or in chief value of paper, decorated in whole or in part by hand or by spraying, whether or not printed, not specially provided for, 15 cents per pound; all post cards (not including American views), plain, decorated, embossed, or printed except by lithographic process, 30 per centum ad valorem; views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of one inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying thirty-five square inches or less of surface per view, bound or unbound, or in any other form, 15 cents per pound and 25 per centum ad valorem; thinner than eight one-thousandths of one inch, $2 per thousand, greeting cards, and all other social and gift cards, including those in the form of folders and booklets, wholly or partly manufactured, with text or greeting, 45 per centum ad valorem; without text or greeting, 30 per centum ad valorem.

Par. 1311. Photograph, autograph, scrap, post-card and postagestamp albums, and albums for phonograph records, wholly or partly manufactured, 30 per centum ad valorem.

Par. 1312. Playing cards, 10 cents per pack and 20 per centum ad valorem.

Par 1313. Papers and paper board and pulpboard, including cardboard and leatherboard or compress

leather, embossed, cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes or other articles, plain or printed, but not lithographed, and not specially provided for; paper board and pulpboard, including cardboard and leatherboard or compress leather, laminated, glazed, coated, lined, printed, decorated, or ornamented in any manner; press boards and press paper, all the foregoing, 30 per centum ad valorem; test or container boards of a bursting strength above sixty pounds per square inch by the Mullen or the Webb test, 20 per centum ad valorem; stereotype-matrix mat or board, 35 per centum ad valorem; wall pockets, composed wholly or in chief value of paper, papier-mâché or paper board, whether or not die-cut, embossed, or printed lithographically or otherwise, boxes, composed wholly or in chief value of paper, papier-mâché or paper board, and not specially provided for, manufactures of paper, or of which paper is the component material of chief value, not specially provided for, all the foregoing, 35 per centum ad valorem

SCHEDULE 14—SUNDRIES

Par. 1401 Asbestos, manufactures of: Yarn and woven fabrics composed wholly or in chief value of asbestos, 30 per centum ad valorem; all other manufactures composed wholly or in chief value of asbestos, 25 per centum ad valorem.

Par. 1402 Boxing gloves, baseballs, footballs, tennis balls, golf balls, and all other balls, of whatever material composed, finished or unfinished, designed for use in physical exercise or in any indoor or outdoor game or sport, and all clubs, rackets, bats or other equipment, such as is ordinarily used in conjunction therewith in exercise or play, all the foregoing, not specially provided for, 30 per centum ad valorem; ice and roller skates, and parts thereof, 20 per centum ad valorem

Par. 1403 Spangles and beads, including bugles, but not including beads of ivory or imitation pearl beads and beads in imitation of precious or semiprecious stones, 35 per centum ad valorem; beads of ivory, 45 per centum ad valorem; fabrics and articles not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliquéd, or scalloped, composed wholly or in chief value of beads or spangles other than imitation pearl beads and beads in imitation of precious or semiprecious stones, 60 per centum ad valorem; imitation pearl beads of all kinds and shapes, of whatever material composed, strung or loose, mounted or unmounted, 60 per centum ad valorem; all other beads in imitation of precious or semiprecious stones, of all kinds and shapes, of whatever material composed, strung or loose, mounted or unmounted, 45 per centum ad valorem: Provided, That no article composed wholly or in chief value of any of the foregoing beads or spangles shall pay duty at a less rate than is imposed in any paragraph of this Act upon such articles without such beads or spangles.

Par. 1404. Ramie hat braids, 30 per centum ad valorem; manufactures of ramie hat braids, 40 per centum ad valorem.

Par. 1405. Boots, shoes, or other footwear, the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, or silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other material, 35 per centum ad valorem.

Par. 1406. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, 15 per centum ad valorem; bleached, dyed, colored, or stained, 20 per centum ad valorem; hats, bonnets, and hoods composed wholly or in chief value of any of the foregoing materials whether wholly or partly manufactured, but not blocked or trimmed, 35 per centum ad valorem; blocked or trimmed, 50 per centum ad valorem; straw hats known as harvest hats, valued at less than $3 per dozen, 25 per centum ad valorem, all other hats, composed wholly or in chief value of any of the foregoing materials, whether wholly or partly manufactured, not blocked or blocked, not trimmed or trimmed, if sewed, 60 per centum ad valorem But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

Par. 1407. Brooms, made of broom corn, straw, wooden fiber, or twigs, 15 per centum ad valorem; tooth brushes and other toilet brushes, 45 per centum ad valorem, all other brushes not specially provided for, including feather dusters, and hair pencils in quills or otherwise, 45 per centum ad valorem

Par. 1408. Bristles, sorted, bunched, or prepared, 7 cents per pound

Par. 1409. Button forms of lastings, mohair or silk cloth, and manufactures of other material, in patterns of such size, shape, or form as to be fit for buttons exclusively, and not exceeding three inches in any one dimension, 10 per centum ad valorem

Par. 1410 Buttons of vegetable ivory, finished or partly finished, 1¼ cents per line per gross; vegetable ivory button blanks, not drilled, dyed, or finished, three-fourths of 1 cent per line per gross; buttons of pearl or shell, finished or partly finished, 1¾ cents per line per gross; pearl or shell button blanks, not turned, faced, or drilled, 1¼ cents per line per gross; and, in addition thereto, on all the foregoing, 25 per centum ad valorem: Provided, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of one inch.

Par. 1411. Buttons commonly known as agate buttons, 15 per centum ad valorem; parts of buttons and button molds or blanks, finished or unfinished, not specially provided for, and all collar and cuff buttons and studs composed wholly of bone, mother-of-pearl, ivory, vegetable ivory, or agate, and buttons not specially provided for, 45 per centum ad valorem

Par. 1412. Cork bark, cut into squares, cubes, or quarters, 8 cents per pound; stoppers over three-fourths of one inch in diameter, measured at the larger end, and disks, wafers, and washers over three-sixteenths of one inch in thickness, made from natural corkbark, 20 cents per pound, made from artificial or composition cork, 10 cents per pound; stoppers, three-fourths of one inch or less in diameter, measured at the larger end, and disks, wafers, and washers, three-sixteenths of one inch or less in thickness, made from natural cork bark, 25 cents per pound; made from artificial or composition cork, 12½ cents per pound; cork, artificial, commonly known as composition or compressed cork, manufactured from cork waste or granulated cork, in the rough and not further advanced than in the form of slabs, blocks, or planks, suitable for cutting into stoppers, disks, liners, floats, or similar articles, 6 cents per pound; in rods or sticks suitable for the manufacture of disks, wafers, or washers, 10 cents per pound, granulated or ground cork, 25 per centum ad valorem; cork insulation, wholly or in chief value of cork waste, granulated or ground cork, in slabs, boards, planks, or molded forms; cork tile; cork paper, and manufactures, wholly or in chief value of cork bark or artificial cork and not specially provided for, 30 per centum ad valorem.

Par. 1413. Dice, dominoes, draughts, chessman, and billiard, pool, and bagatelle balls, and poker chips, of

ivory, bone, or other material, 50 per centum ad valorem

Par 1414. Dolls, and parts of dolls, doll heads, toy marbles, of whatever materials composed, air rifles, toy balloons, toy books without reading matter other than letters, numerals, or descriptive words, bound or unbound, and parts thereof, garlands, festooning and Christmas tree decorations made wholly or in chief value of tinsel wire, lame or lahn, bullions or metal threads, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware and not specially provided for, 70 per centum ad valorem

Par 1415 Emery, corundum and artificial abrasive grains and emery, corundum and artificial abrasives, ground, pulverized, refined, or manufactured, 1 cent per pound; emery wheels, emery files, and manufactures of which emery, corundum or artificial abrasive is the component material of chief value, not specially provided for; and all papers, cloths, and combinations of paper and cloth, wholly or partly coated with artificial or natural abrasives, or with a combination of natural and artificial abrasives; all the foregoing, 20 per centum ad valorem.

Par 1416. Firecrackers of all kinds, 8 cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for, 12 cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

Par 1417. Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box, 8 cents per gross; when imported otherwise than in boxes containing not more than one hundred matches each, three-fourths of 1 cent per one thousand matches; wax matches, wind matches, and all matches in books or folders having a stained, dyed, or colored stick or stem, tapers consisting of a wick coated with an inflammable substance, night lights, fusees and time-burning chemical signals, by whatever name known, 40 per centum ad valorem: Provided, That in accordance with section 10 of "An Act to provide for a tax upon white phosphorus matches, and for other purposes," approved April 9, 1912, white phosphorus matches manufactured wholly or in part in any foreign country shall not be entitled to enter at any of the ports of the United States, and the importation thereof is hereby prohibited: Provided further, That nothing in this Act contained shall be held to repeal or modify said Act to provide for a tax upon white phosphorus matches, and for other purposes, approved April 9, 1912.

Par. 1418. Percussion caps, cartridges, and cartridge shells empty, 30 per centum ad valorem; blasting caps, containing not more than one gram charge of explosive, $2.25 per thousand; containing more than one gram charge of explosive, 75 cents per thousand additional for each additional one-half gram charge of explosive; mining, blasting, or safety fuses of all kinds, $1 per thousand feet.

Par. 1419 Feathers and downs, on the skin or otherwise, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for, 20 per centum ad valorem; dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down; artificial or ornamental feathers suitable for use as millinery ornaments, artificial or ornamental fruits, vegetables, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for, 60 per centum ad valorem; natural leaves, plants, shrubs, herbs, trees, and parts thereof, chemically treated, colored, dyed or painted, not specially provided for, 60 per centum ad valorem, boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers, flowers, leaves, or other material herein mentioned, 60 per centum ad valorem: Provided, That the importation of birds of paradise, aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited; but this provision shall not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind: Provided further, That birds of paradise, and the feathers, quills, heads, wings, tails, skins, or parts thereof, and all aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, of like kind to those the importation of which is prohibited by the foregoing provisions of this paragraph, which may be found in the United States, on and after the passage of this Act, except as to such plumage or parts of birds in actual use for personal adornment, and except such plumage, birds or parts thereof imported therein for scientific or educational purposes, shall be presumed for the purpose of seizure to have been imported unlawfully after October 3, 1913, and the collector of customs shall seize the same unless the possessor thereof shall establish, to the satisfaction of the collector that the same were imported into the United States prior to October 3, 1913, or as to such plumage or parts of birds that they were plucked or derived in the United States from birds lawfully therein, and in case of seizure by the collector, he shall proceed as in case of forfeiture for violation of the customs laws, and the same shall be forfeited, unless the claimant shall, in any legal proceeding to enforce such forfeiture, other than a criminal prosecution, overcome the presumption of illegal importation and establish that the birds or articles seized, of like kind to those mentioned the importation of which is prohibited as above, were imported into the United States prior to October 3, 1913, or were plucked in the United States from birds lawfully therein.

That whenever birds or plumage, the importation of which is prohibited by the foregoing provisions of this paragraph, are forfeited to the Government, the Secretary of the Treasury is hereby authorized to place the same with the departments or bureaus of the Federal or State Governments or societies or museums for exhibition or scientific or educational purposes, but not for sale or personal use; and in the event of such birds or plumage not being required or desired by either Federal or State Government or for educational purposes, they shall be destroyed.

That nothing in this Act shall be construed to repeal the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States That if on investigation by the collector before seizure, or before trial for forfeiture, or if at such trial if such seizure has been made, it shall be made to appear to the collector, or the prosecuting officer of the Government, as the case may be, that no illegal importation of such feathers has been made, but that the possession, acquisition or purchase of such feathers is or has been made in violation of the provisions of the Act of March 4, 1913, chapter 145 (Thirty-seventh Statutes at Large, page 847), or the Act of July 3, 1918 (Fortieth Statutes at Large, page 755), or any other law of the United States, now of force, intended for the protection or preservation of birds within the United States, it shall be the duty of the collector, or such prosecuting officer, as the case may be, to report the facts to the proper officials of the United States, or

State or Territory charged with the duty of enforcing such laws.

Par. 1420 Furs dressed on the skin, excepting silver or black fox furs, not advanced further than dyeing, 25 per centum ad valorem; plates and mats of dog and goat skins, 10 per centum ad valorem, manufactures of furs, excepting silver or black fox, further advanced than dressing and dyeing, prepared for use as material, joined or sewed together, including plates, linings, and crosses, except plates and mats of dog and goat skins, and articles manufactured from fur, not specially provided for, 40 per centum ad valorem; silver or black fox skins, dressed or undressed, and manufactures thereof, not specially provided for, 50 per centum ad valorem; articles of wearing apparel of every description partly or wholly manufactured, composed wholly or in chief value of hides or skins of cattle of the bovine species, or of dog or goat skins, and not specially provided for, 15 per centum ad valorem, articles of wearing apparel of every description wholly or in part manufactured, composed wholly or in chief value of fur, not specially provided for, 50 per centum ad valorem.

Par 1421 Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted, 35 per centum ad valorem.

Par. 1422. Fans of all kinds, except common palmleaf fans, 50 per centum ad valorem.

Par. 1423. Gun wads of all descriptions, not specially provided for, 20 per centum ad valorem.

Par. 1424. Human hair, raw, 10 per centum ad valorem; cleaned or commercially known as drawn, but not manufactured, 20 per centum ad valorem, manufactures of human hair, including nets and nettings, or of which human hair is the component material of chief value, not specially provided for, 35 per centum ad valorem.

Par. 1425. Hair, curled, suitable for beds or mattresses, 10 per centum ad valorem.

Par 1426 Haircloth, known as "crinoline" cloth, haircloth, known as "hair seating," and hair press cloth, not specially provided for, 35 per centum ad valorem, hair felt, made wholly or in chief value of animal hair, not specially provided for, 25 per centum ad valorem; manufactures of hair felt, including gun wads, 35 per centum ad valorem; cloths and all other manufactures of every description, wholly or in chief value of cattle hair or horsehair, not specially provided for, 40 per centum ad valorem.

Par. 1427. Hats, caps, bonnets, and hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than $4.50 per dozen, $1.50 per dozen; valued at more than $4.50 and not more than $9 per dozen, $3 per dozen; valued at more than $9 and not more than $15 per dozen, $5 per dozen; valued at more than $15 and not more than $24 per dozen, $7 per dozen; valued at more than $24 and not more than $36 per dozen, $10 per dozen; valued at more than $36 and not more than $48 per dozen, $13 per dozen; valued at more than $48 per dozen, $16 per dozen; and in addition thereto, on all the foregoing, 25 per centum ad valorem.

Par. 1428. Jewelry, commonly or commercially so known, finished or unfinished, of whatever material composed, valued above 20 cents per dozen pieces, 80 per centum ad valorem; rope, curb, cable, and fancy patterns of chain not exceeding one-half inch in diameter, width, or thickness, valued above 30 cents per yard; and articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, and like articles; all the foregoing and parts thereof, finished or partly finished, composed of metal, whether or not enameled, washed, covered, or plated, including rolled gold plate, and whether or not set with precious or semiprecious stones, pearls, cameos, coral or amber, or with imitation precious stones or imitation pearls, 80 per centum ad valorem, stampings, galleries, mesh, and other materials of metal, whether or not set with glass or paste, finished or partly finished, separate or in strips or sheets, suitable for use in the manufacture of any of the foregoing articles in this paragraph, 75 per centum ad valorem.

Par 1429 Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, any of the foregoing not set, and diamond dust, 10 per centum ad valorem; pearls and parts thereof, drilled or undrilled, but not set or strung, 20 per centum ad valorem; diamonds, coral, rubies, cameos, and other precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry, 20 per centum ad valorem; imitation precious stones, cut or faceted, imitation semiprecious stones, faceted, imitation half pearls and hollow or filled pearls of all shapes, without hole or with hole partly through only, 20 per centum ad valorem; imitation precious stones, not cut or faceted, imitation semiprecious stones, not faceted, imitation jet buttons, cut, polished or faceted, and imitation solid pearls wholly or partly pierced, mounted or unmounted, 60 per centum ad valorem.

Par. 1430. Laces, lace window curtains, burnt-out laces and embroideries capable of conversion into burnt-out laces, nets and nettings, embroidered or otherwise, veils, veilings, flouncings, allovers, neck ruffings, flutings, quillings, ruchings, tuckings, insertings, galloons, edgings, trimmings, fringes, gimps, ornaments; braids, loom woven and ornamented in the process of weaving, or made by hand, or on any braid machine, knitting machine, or lace machine; and all fabrics and articles composed in any part, however small, of any of the foregoing fabrics or articles; all the foregoing, finished or unfinished (except materials and articles provided for in paragraphs 920, 1006, 1404, 1406, and 1424 of this Act), by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in this Act, when composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, beads, bugles, spangels, or products of cellulose provided for in paragraph 1213 of this Act, 90 per centum ad valorem, embroideries not specially provided for, and all fabrics and articles embroidered in any manner by hand or machinery, whether with a plain or fancy initial, monogram, or otherwise, or tamboured, appliquéd, scalloped, or ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including straight hemstitching; all the foregoing, finished or unfinished, by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in this Act, when composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or products of cellulose provided for in paragraph 1213, 75 per centum ad valorem.

Par. 1431. Chamois skins, pianoforte, pianoforte-action, playerpiano-action leather, enameled upholstery leather, bag, strap, case, football, and glove

leather, finished, in the white or in the crust, and seal, sheep, goat, and calf leather, dressed and finished, other than shoe leather, 20 per centum ad valorem

Par. 1432. Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and moccasins, and manufactures of leather, rawhide, or parchment or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for, 30 per centum ad valorem; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets, 45 per centum ad valorem

Par 1433 Gloves made wholly or in chief value of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent namely: Men's gloves not over twelve inches in length, $5 per dozen pairs; and women's and children's gloves not over twelve inches in length, $4 per dozen pairs, for each inch in length in excess thereof, 50 cents per dozen pairs. Provided, That, in addition thereto, on all of the foregoing there shall be paid the following cumulative duties: When lined with cotton, wool or silk, $2 40 per dozen pairs, when lined with leather or fur, $4 per dozen pairs, when embroidered or embellished, 40 cents per dozen pairs: Provided further, That all the foregoing shall pay a duty of not less than 50 nor more than 70 per centum ad valorem: Provided further, That glove tranks, with or without the usual accompanying pieces, shall pay 75 per centum of the duty provided for the gloves in the fabrication of which they are suitable

Gloves made wholly or in chief value of leather made from horsehides or pigskins, whether wholly or partly manufactured, 25 per centum ad valorem

Par. 1434. Catgut, whip gut, oriental gut, and manufactures thereof, and manufactures of worm gut, 40 per centum ad valorem.

Par. 1435. Gas, kerosene, or alcohol mantles, and mantles not specially provided for, treated with chemicals or metallic oxides, wholly or partly manufactured, 40 per centum ad valorem.

Par. 1436 Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per centum ad valorem.

Par 1437. Cabinet locks, not of pin tumbler or cylinder construction, not over one and one-half inches in width, 70 cents per dozen; over one and one-half and not over two and one-half inches in width, $1 per dozen; over two and one-half inches in width, $1 50 per dozen; padlocks, not of pin tumbler or cylinder construction, not over one and one-half inches in width, 35 cents per dozen; over one and one-half and not over two and one-half inches in width, 50 cents per dozen; over two and one-half inches in width, 75 cents per dozen; padlocks of pin tumbler or cylinder construction, not over one and one-half inches in width, $1 per dozen; over one and one-half and not over two and one-half inches in width, $1.50 per dozen; over two and one-half inches in width, $2 per dozen; all other locks or latches of pin tumbler or cylinder construction, $2 per dozen; and in addition thereto, on all the foregoing, 20 per centum ad valorem.

Par. 1438. Manufactures of amber, bladders, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for, 20 per cent ad valorem.

Par. 1439. Manufactures of bone, chip, grass, horn, quills, india rubber, gutta-percha, palm leaf, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for, 25 per centum ad valorem; automobile, motor cycle, and bicycle tires composed wholly or in chief value of rubber, 10 per centum ad valorem, molded insulators and insulating materials, wholly or partly manufactured, composed wholly or in chief value of india rubber or gutta-percha, 30 per centum ad valorem; combs composed wholly of horn or of horn and metal, 50 per centum ad valorem The terms "grass" and "straw" shall be understood to mean these substances in their natural state and not the separated fibers thereof.

Par. 1440. Manufactures of ivory or vegetable ivory, or of which either of these substances is the component material of chief value, not specially provided for; manufactures of mother-of-pearl, shell, plaster of Paris, and india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for, and shells and pieces of shells engraved, cut, ornamented, or otherwise manufactured, 35 per centum ad valorem.

Par 1441. Electrical insulators and other articles, wholly or partly manufactured, composed wholly or in chief value of shellac, copal, or synthetic phenolic resin, not specially provided for, 30 per centum ad valorem.

Par. 1442. Moss and sea grass, eelgrass, and seaweeds, if manufactured or dyed, 10 per centum ad valorem.

Par 1443. Musical instruments and parts thereof, not specially provided for, pianoforte or player actions and parts thereof, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes, strings for musical instruments composed wholly or in part of steel or other metal, all the foregoing, 40 per centum ad valorem; tuning pins, $1 per thousand and 35 per centum ad valorem; violins, violas, violoncellos, and double basses, of all sizes, wholly or partly manufactured or assembled, $1 each and 35 per centum ad valorem; unassembled parts of the foregoing, 40 per centum ad valorem.

Par. 1444. Phonographs, gramophones, graphophones, and similar articles, and parts thereof, not specially provided for, 30 per centum ad valorem; needles for phonographs, gramophones, graphophones, and similar articles, 45 per centum ad valorem.

Par. 1445. Rolls: Calender rolls or bowls made wholly or in chief value of cotton, paper, husk, wool, or mixtures thereof, or stone of any nature, compressed between and held together by iron or steel heads or washers fastened to iron or steel mandrels or cores, suitable for use in calendering, embossing, mangling, or pressing operations, 35 per centum ad valorem.

Par. 1446. Rosaries, chaplets, and similar articles of religious devotion of whatever material composed (except if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones), valued at not more than $1.25 per dozen, 15 per centum ad valorem; valued at more than $1.25 per dozen, 30 per centum ad valorem; any of the foregoing if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones, 50 per centum ad valorem.

Par 1447. Sponges, 15 per centum ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for, 25 per centum ad valorem.

Par. 1448. Violin rosin, 15 per centum ad valorem.

Par. 1449. Works of art, including paintings in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same; statuary, sculptures, or copies, replicas, or

reproductions thereof; and etchings and engravings; all the foregoing, not specially provided for, 20 per centum ad valorem.

Par 1450. Peat moss, 50 cents per ton

Par 1451. Pencils of paper, wood, or other material not metal, filled with lead or other material, pencils of lead, crayons, including charcoal crayons or fusains, and mechanical pencils, not specially provided for, 45 cents per gross and 25 per centum ad valorem, pencil point protectors, and clips, whether separate or attached to pencils, 25 cents per gross; pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trade-mark, 50 cents per gross and 25 per centum ad valorem; slate pencils, not in wood, 25 per centum ad valorem.

Par. 1452 Pencil leads not in wood or other material, 6 cents per gross, leads, commonly known as refills, black, colored, or indelible, not exceeding six one-hundredths of one inch in diameter and not exceeding two inches in length, 10 cents per gross, and longer leads shall pay in proportion in addition thereto; colored or crayon leads, copy or indelible leads, not specially provided for, 40 per centum ad valorem

Par 1453 Photographic cameras and parts thereof, not specially provided for, 20 per centum ad valorem; photographic dry plates, not specially provided for, 15 per centum ad valorem; photographic and moving-picture films, sensitized but not exposed or developed, four-tenths of 1 cent per linear foot of the standard width of one and three-eighths inches, and all other widths shall pay duty in equal proportion thereto, photographic-film negatives, imported in any form for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, exposed but not developed, 2 cents per linear foot; exposed and developed, 3 cents per linear foot; photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, motophotography, or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made, 1 cent per linear foot. Provided, That upon the importation of photographic and motion-picture films or film negatives taken from the United States and exposed in a foreign country by an American producer of motion pictures operating temporarily in said foreign country in the course of production of a picture 60 per centum or more of which is made in the United States the duty shall be 1 cent per linear foot, and the Secretary of the Treasury shall prescribe such rules and regulations as may be necessary for the entry of such films or film negatives under this proviso: Provided further, That all photographic films imported under this Act shall be subject to such censorship as may be imposed by the Secretary of the Treasury.

Par. 1454. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, valued at not more than 40 cents per gross, 15 cents per gross; valued at more than 40 cents per gross, 45 per centum ad valorem; pipe bowls commercially known as stummels; pipes, cigar and cigarette holders, not specially provided for, and mouthpieces for pipes, cigar and cigarette holders, all the foregoing of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored; pouches for chewing or smoking tobacco, cases suitable for pipes, cigar and cigarette holders, finished or partly finished; cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper; and all smokers' articles whatsoever, and parts thereof, finished or unfinished, not specially provided for, of whatever material composed, except china, porcelain, parian, bisque, earthen or stone ware, 60 per centum ad valorem, meerschaum, crude or unmanufactured, 20 per centum ad valorem

Par. 1455 All thermostatic bottles, carafes, jars, jugs, and other thermostatic containers, or blanks and pistons of such articles, of whatever material composed, constructed with a vacuous or partially vacuous insulation space to maintain the temperature of the contents, whether imported, finished or unfinished, with or without a jacket or casing of metal or other material, shall pay the following rates of duty, namely: Having a capacity of one pint or less, 15 cents each, having a capacity of more than one pint, 30 cents each, and in addition thereto, on all of the foregoing, 45 per centum ad valorem, parts of any of the foregoing not including those above mentioned, 55 per centum ad valorem. Provided, That all articles specified in this paragraph when imported shall have the name of the maker or purchaser and beneath the same the name of the country of origin legibly, indelibly, and conspicuously etched with acid on the glass part, and die stamped on the jacket or casing of metal or other material, in a place that shall not be covered thereafter: Provided further, That each label, wrapper, box, or carton in which any of the foregoing are wrapped or packed, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin legibly, indelibly, and conspicuously stamped or printed thereon.

Par 1456 Umbrellas, parasols, and sunshades covered with material other than paper or lace, not embroidered or appliquéd, 40 per centum ad valorem; handles and sticks for umbrellas, parasols, sunshades, and walking canes, finished or unfinished, 40 per centum ad valorem.

Par. 1457. Waste, not specially provided for, 10 per centum ad valorem

Par 1458. White bleached beeswax, 25 per centum ad valorem.

Par 1459. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not enumerated or provided for, a duty of 10 per centum ad valorem, and on all articles manufactured, in whole or in part, not specially provided for, a duty of 20 per centum ad valorem.

Par. 1460. That each and every imported article, not enumerated in this Act, which is similar, either in material, quality, texture, or the use to which it may be applied to any article enumerated in this Act as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned, and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this Act, shall be held to mean that component material which shall exceed in value any other single component material of the article, and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates. (Sept. 21, 1922, c. 356, title I, § 1, 42 Stat. 858–922.)

Title II—Free List

§ 5841b. Free list—On and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), shall be exempt from duty:

SCHEDULE 15

Par. 1501. Acids and acid anhydrides: Chromic acid, hydrofluoric acid, hydrochloric or muriatic acid, nitric acid, sulphuric acid or oil of vitriol, and mixtures of nitric and sulphuric acids, valerianic acid, and all anhydrides of the foregoing not specially provided for.

Par 1502. Aconite, aloes, asafetida, cocculus indicus, ipecac, jalap, manna, marshmallow or althea root, leaves and flowers; maté, and pyrethrum or insect flowers, all the foregoing which are natural and uncompounded and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture: Provided, That no article containing alcohol shall be admitted free of duty under this paragraph.

Par. 1503. Agates, unmanufactured.

Par 1504. Agricultural implements. Plows, tooth or disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators threshing machines, cotton gins, machinery for use in the manufacture of sugar, wagons and carts, cream separators valued at not more than $50 each, and all other agricultural implements of any kind or description, not specially provided for, whether in whole or in parts, including repair parts: Provided, That no article specified by name in Title I shall be free of duty under this paragraph

Par. 1505. Albumen, not specially provided for.

Par. 1506. Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: Provided, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: Provided further, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: And provided further, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision

Horses, mules, asses, cattle, sheep, and other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, shall be dutiable unless brought back to the United States within eight months, in which case they shall be free of duty, under regulations to be prescribed by the Secretary of the Treasury: And provided further, That the provisions of this Act shall apply to all such animals as have been imported and are in quarantine or otherwise in the custody of customs or other officers of the United States at the date of the taking effect of this Act

Res Feb 21, 1925, c 292, 43 Stat. 963, reads as follows

"Despite the provisions of paragraph 1506 of Title II of the Tariff Act of 1922, horses, mules, asses, cattle, sheep, goats, and other domestic animals, which heretofore have strayed across the boundary line into any foreign country, or been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before May 1, 1925, shall, together with their offspring, be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury, if brought back to the United States at any time before December 31, 1925

"2 The Secretary of the Treasury shall, under regulations prescribed by him, remit and refund any duties on any such domestic animals and their offspring returned to the United States after December 30, 1924, and before the enactment of this resolution Such refunds shall be made upon application therefor made within one year after the enactment of this resolution There is hereby authorized to be appropriated an amount necessary to make such refunds"

Par. 1507. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition, or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury, also teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration, under such regulations as the Secretary of the Treasury may prescribe, and wild animals and birds intended for exhibition in zoological collections for scientific or educational purposes, and not for sale or profit.

Par. 1508. Antimony ore

Par. 1509 Annatto and all extracts of, archil or archil liquid, cochineal, cudbear, gambier, litmus prepared or unprepared; all of the foregoing not containing alcohol

Par. 1510. Antitoxins, vaccines, viruses, serums, and bacterins, used for therapeutic purposes.

Par. 1511. Arrowroot in its natural state and not manufactured.

Par. 1512. Sulphide of arsenic

Par 1513 Arsenious acid or white arsenic.

Par. 1514. Articles the growth, produce, or manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means if imported by or for the account of the person who exported them from the United States, steel boxes, casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes, also quicksilver flasks or bottles, iron or steel drums of either domestic or foreign manufacture, used for the shipment of acids, or other chemicals, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal revenue tax at the time of exportation, such tax shall be proved to have been paid before

exportation and not refunded; photographic dry plates and films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and photographic films light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury; articles exported from the United States for repairs may be returned upon payment of a duty upon the value of the repairs at the rate at which the article itself would be subject if imported, under conditions and regulations to be prescribed by the Secretary of the Treasury. Provided, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: Provided further, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon. And provided further, That the provisions of this paragraph shall not apply to animals made dutiable under the provisions of paragraph 1506.

Par. 1515 Asbestos, unmanufactured, asbestos crudes, fibers, stucco, and sand and refuse containing not more than 15 per centum of foreign matter

Par. 1516. Waste bagging, and waste sugar sack cloth.

Par 1517. Bananas, green or ripe

Par 1518 Barks, cinchona or other, from which quinine may be extracted.

Par 1519. Bells, broken, and bell metal, broken and fit only to be remanufactured.

Par. 1520 Bibles, comprising the books of the Old or New Testament, or both, bound or unbound

Par 1521 All binding twine manufactured from New Zealand hemp, henequen, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding seven hundred and fifty feet to the pound.

Par. 1522. Bread: Provided, That no article shall be exempted from duty as bread unless yeast was the leavening substance used in its preparation

Par. 1523. Fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for.

Par. 1524. Blood, dried, not specially provided for.

Par 1525. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

Par. 1526. Bones. Crude, steamed, or ground; bone dust, bone meal, and bone ash, and animal carbon suitable only for fertilizing purposes

Par. 1527. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

Par. 1528. Hydrographic charts and publications issued for their subscribers or exchanges by scientific or literary associations or academies, and publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign Governments; books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which have been printed more than twenty years at the time of importation: Provided, That where any such books have been rebound wholly or in part in leather within such period, the binding so placed upon such books shall be dutiable as provided in paragraph 1310.

Par 1529 Books and pamphlets printed wholly or chiefly in languages other than English; books, pamphlets, and music, in raised print, used exclusively by or for the blind, Braille tablets, cubarithms, special apparatus and objects serving to teach the blind, including printing apparatus, machines, presses, and types for the use and benefit of the blind exclusively

Par. 1530 Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart for its own use or for the encouragement of the fine arts and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe

Par 1531 Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Par 1532. Borax, crude or unmanufactured, and borate of lime, borate of soda, and other borate material, crude and unmanufactured, not specially provided for.

Par. 1533. Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

Par. 1534 Brazilian or pichurin beans.

Par. 1535 Brazilian pebble, unwrought or unmanufactured

Par. 1536 Brick, not specially provided for: Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on such brick imported from the United States, an equal duty shall be imposed upon such brick coming into the United States from such country, dependency, province, or other subdivision of government

Par 1537. Bristles, crude, not sorted, bunched, or prepared

Par. 1538. Broom corn.

Par 1539. Bullion, gold or silver.

Par. 1540. Burgundy pitch.

Par 1541. Calcium: Acetate, chloride, crude; nitrate, and cyanamid or lime nitrogen: Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on calcium acetate, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government

Par. 1542 Linotype and all typesetting machines, typewriters, shoe machinery, sand-blast machines, sludge machines, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives; all the foregoing whether in whole or in parts, including repair parts.

Par. 1543 Cement: Roman, Portland, and other hydraulic: Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on such cement imported from the United States, an equal duty shall be imposed upon such cement coming into the United States from such country, dependency, province, or other subdivision of government.

Par. 1544. Cerite or cerium ore.

Par. 1545. Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured.

Par. 1546. Chestnuts, including marrons, crude, dried, baked, prepared or preserved in any manner.

Par. 1547. Chromite or chrome ore

Par 1548 Coal, anthracite, bituminous, culm, slack, and shale; coke, compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquets or other form. Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country dependency, province, or other subdivision of government

Par 1549 Coal-tar products: Acenaphthene, anthracene having a purity of less than 30 per centum, benzene, carbazole having a purity of less than 65 per centum, cumene, cymene, fluorene, methylanthracene, methylnaphthalene naphthalene which after the removal of all the water present has a solidifying point less than seventy-nine degrees centigrade, pyridine, toluene, xylene, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other materials or products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not specially provided for in paragraph 27 or 28 of Title I of this Act

Par 1550. Cobalt and cobalt ore.

Par. 1551. Cocoa or cacao beans.

Par. 1552. Coffee

Par. 1553. Coins of gold, silver, copper, or other metal

Par. 1554 Coir, and coir yarn

Par. 1555. Composition metal of which copper is the component material of chief value, not specially provided for.

Par. 1556 Copper ore: regulus of, and black or coarse copper, and cement copper, old copper, fit only for remanufacture, copper scale, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for.

Par. 1557. Copper sulphate or blue vitriol; copper acetate and subacetate or verdigris

Par. 1558. Coral, marine, uncut, and unmanufactured

Par. 1559 Cork wood, or cork bark, unmanufactured, and cork waste, shavings, and cork refuse of all kinds

Par. 1560. Cotton and cotton waste.

Par. 1561. Cryolite, or kryolith.

Par. 1562 Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for.

Par. 1563. Curry, and curry powder.

Par. 1564. Cuttlefish bone.

Par. 1565. Cyanide: Potassium cyanide, sodium cyanide, all cyanide salts and cyanide mixtures, combinations, and compounds containing cyanide, not specially provided for.

Par. 1566. Glaziers' and engravers' diamonds, unset; miners' diamonds.

Par. 1567. Drugs such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, herbs, leaves, lichens, mosses, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and all other drugs of vegetable or animal origin, all of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture. Provided That no article containing alcohol shall be admitted free of duty under this paragraph

Par 1568 Dyeing or tanning materials Fustic wood, hemlock bark, logwood, mangrove bark, oak bark, quebracho wood, wattle bark, divi-divi, myrobalans fruit, sumac, valonia, nutgalls or gall nuts, and all articles of vegetable origin used for dyeing, coloring, staining, or tanning, all the foregoing, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process; all the foregoing not containing alcohol and not specially provided for

Par 1569 Eggs of birds, fish, and insects (except fish roe for food purposes) Provided, That the importation of eggs of wild birds is prohibited, except eggs of game birds imported for propagating purposes under regulations prescribed by the Secretary of Agriculture, and specimens imported for scientific collections

Par 1570 Emery ore and corundum ore, and crude artificial abrasives.

Par. 1571 Enfleurage greases, floral essences and floral concretes Provided, That no article mixed or compounded or containing alcohol shall be exempted from duty under this paragraph

Par 1572. Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state not colored, dyed, or otherwise advanced or manufactured

Par 1573. Ferrous sulphate or copperas.

Par 1574. Fibrin, in all forms.

Par 1575. Fish imported to be used for purposes other than human consumption

Par 1576. Fishskins, raw or salted.

Par 1577. Flint, flints, and flint stones, unground.

Par 1578 Fossils.

Par. 1579. Furs and fur skins, not specially provided for, undressed

Par. 1580. Gloves made wholly or in chief value of leather made from hides of cattle of the bovine species

Par 1581. Goldbeaters' molds and goldbeaters' skins

Par. 1582. Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal, henequen, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for.

Par. 1583. Guano, basic slag, ground or unground, manures, and all other substances used chiefly for fertilizer, not specially provided for: Provided, That no article specified by name in Title I shall be free of duty under this paragraph.

Par. 1584 Gums and resins: Damar, kauri, copal, dragon's blood, kadaya, sandarac, tragacanth, tragasol, and other gums, gum resins, and resins, not specially provided for.

Par. 1585. Gunpowder, sporting powder, and all other explosive substances not specially provided for: Provided, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government.

Par. 1586. Hair of horse, cattle, and other animals.

cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for.

Par. 1587. Hide cuttings, raw, with or without hair, ossein, and all other glue stock

Par. 1588 Rope made of rawhide

Par 1589. Hides of cattle, raw or uncured, or dried, salted, or pickled.

Par. 1590. Hones and whetstones

Par 1591. Hoofs, unmanufactured.

Par 1592. Horns and parts of, including horn strips and tips, unmanufactured

Par 1593. Ice.

Par 1594 India rubber and gutta-percha, crude, including jelutong or pontianak, guayule, gutta balata, and gutta siak, and scrap or refuse india rubber and gutta-percha fit only for remanufacture

Par. 1595 Iodine, crude

Par 1596 Iridium, osmium, paladium, rhodium, and ruthenium and native combinations thereof with one another or with platinum

Par. 1597. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites

Par. 1598 Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact

Par. 1599. Jet, unmanufactured.

Par. 1600 Joss stick or joss light.

Par 1601. Junk, old.

Par 1602 Kelp.

Par. 1603. Kieserite.

Par. 1604. Lac, crude, seed, button, stick, or shell.

Par 1605. Lava, unmanufactured

Par. 1606 Leather: All leather not specially provided for, harness, saddles, and saddlery, in sets or parts, except metal parts, finished or unfinished, and not specially provided for; leather cut into shoe uppers, vamps, soles, or other forms suitable for conversion into manufactured articles, and leather shoe laces, finished or unfinished

Par. 1607. Boots and shoes made wholly or in chief value of leather.

Par. 1608. Leeches.

Par. 1609. Limestone-rock asphalt; asphaltum and bitumen.

Par. 1610. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per centum of alcohol

Par. 1611 Lifeboats and life-saving apparatus specially imported by societies and institutions incorporated or established to encourage the saving of human life

Par. 1612. Lithographic stones, not engraved.

Par. 1613. Loadstones

Par. 1614 Manuscripts, not specially provided for.

Par 1615. Marrow, crude.

Par. 1616. Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached.

Par. 1617. Medals of gold, silver, or copper, and other metallic articles actually bestowed by foreign countries or citizens of foreign countries as trophies or prizes, and received and accepted as honorary distinctions

Par. 1618 Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof showing that they are in no way artificially prepared and are only the product of a designated mineral spring.

Par. 1619 Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture not specially provided for.

Par. 1620. Models of inventions and of other improvements in the arts, to be used exclusively as models and incapable of any other use.

Par. 1621. Monazite sand and other thorium ores.

Par. 1622. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not specially provided for

Par. 1623 Needles, hand sewing or darning.

Par 1624. Nets or sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila or vegetable fiber.

Par. 1625. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue

Par 1626 Oil-bearing seeds and nuts: Copra, hempseed, palm nuts, palm-nut kernels, tung nuts, rapeseed, perilla and sesame seed, seeds and nuts, not specially provided for, when the oils derived therefrom are free of duty.

Par 1627. Nux vomica.

Par 1628. Oakum.

Par 1629 Oil cake and oil-cake meal.

Par 1630 Oils, animal Spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; and all cod and cod-liver oil.

Par. 1631 Oils, distilled or essential: Anise, bergamot, bitter almond, camphor, caraway, cassia, cinnamon, citronella, geranium, lavender, lemon-grass, lime, lignaloe or bois derose, neroli or orange flower, origanum, palmarosa, pettigrain, rose or otto of roses, rosemary, spike lavender, thyme, and ylang ylang or cananga: Provided, That no article mixed or compounded or containing alcohol shall be exempted from duty under this paragraph

Par. 1632. Oils, expressed or extracted: Croton, palm, palm-kernel, perilla, sesame, and sweet almond; olive oil rendered, unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; Chinese and Japanese tung oils, and nut oils not specially provided for.

Par. 1633. Oils, mineral. Petroleum, crude, fuel, or refined, and all distillates obtained from petroleum, including kerosene, benzine, naphtha, gasoline, paraffin, and paraffin oil, not specially provided for

Par. 1634. Ores of gold, silver, or nickel, nickel matte; ores of the platinum metals; sweepings of gold and silver.

Par. 1635. Duplex decalcomania paper not printed.

Par. 1636. Parchment and vellum.

Par. 1637 Pads for horses.

Par. 1638. Pearl, mother of, and shells, not sawed, cut, flaked, polished, or otherwise manufactured, or advanced in value from the natural state.

Par. 1639. Personal effects, not merchandise, of citizens of the United States dying in foreign countries.

Par. 1640. Phosphates, crude, and apatite.

Par. 1641. Pigeons, fancy or racing

Par. 1642. Plants, trees, shrubs, roots, seed cane, seeds, and other material for planting, imported by the Department of Agriculture or the United States Botanic Garden.

Par. 1643. Plaster rock or gypsum, crude

Par 1644 Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of one inch in thickness, sponge, or scrap.

Par. 1645. Potassium chloride or muriate of potash, potassium sulphate, kainite, wood ashes and beet-root ashes, and all crude potash salts not specially provided for.

Par. 1646. Potassium nitrate or saltpeter, crude.

Par. 1647. Professional books, implements, instru-

ments, and tools of trade, occupation, or employment in the actual possession of persons emigrating to the United States owned and used by them abroad: but this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel, but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe, but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation Provided, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.

Par. 1648 Pulu

Par 1649 Quinine sulphate and all alkaloids and salts of alkaloids derived from cinchona bark.

Par 1650. Radium, and salts of, and radioactive substitutes

Par 1651 Rag pulp, paper stock, crude, of every description, including all grasses, fibers, rags, waste, including jute, hemp and flax waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for, including old gunny cloth, and old gunny bags, used chiefly for paper making, and no longer suitable for bags

Par 1652. Rennet, raw or prepared

Par 1653 Patna rice cleaned for use in the manufacture of canned foods

Par 1654. Sago, crude, and sago flour.

Par. 1655 Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for

Par 1656 Fresh sea herring and smelts and tuna fish, fresh, frozen, or packed in ice.

Par 1657. Seeds. Chickpeas or garbanzos, cowpeas, and sugar beets

Par 1658 Selenium, and salts of.

Par. 1659. Sheep dip.

Par. 1660. Shingles.

Par 1661. Shotgun barrels, in single tubes, forged, rough bored.

Par. 1662. Shrimps, lobsters, and other shellfish, fresh, frozen, packed in ice, or prepared or preserved in any manner, and not specially provided for

Par. 1663 Silk cocoons and silk waste.

Par 1664. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

Par. 1665. Skeletons and other preparations of anatomy.

Par. 1666. Skins of all kinds, raw, and hides not specially provided for.

Par 1667. Sodium. Nitrate, sulphate, crude, or salt cake, and niter cake

Par. 1668. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

Par 1669. Spunk

Par. 1670 Spurs and stilts used in the manufacture of earthen, porcelain, or stone ware.

Par. 1671. Stamps. Foreign postage or revenue stamps canceled or uncanceled, and foreign government stamped post cards bearing no other printing than the official imprint thereon.

Par. 1672 Standard newsprint paper

Par. 1673 Statuary and casts of sculpture for use as models or for art educational purposes only, regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe, but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals

Par 1674. Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary, imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes.

Par. 1675. Stone and sand: Burrstone in blocks, rough or unmanufactured, quartzite, traprock, rottenstone, tripoli, and sand, crude or manufactured, cliff stone, freestone, granite, and sandstone, unmanufactured, and not suitable for use as monumental or building stone, all of the foregoing not specially provided for

Par 1676. Strontianite or mineral strontium carbonate and celestite or mineral strontium sulphate

Par 1677. Sulphur in any form, and sulphur ore, such as pyrites or sulphuret of iron in its natural state, and spent oxide of iron, containing more than 25 per centum of sulphur.

Par 1678. Tagua nuts

Par. 1679 Tamarinds

Par. 1680. Tapioca, tapioca flour, and cassava.

Par 1681 Tar and pitch of wood.

Par 1682. Tea not specially provided for, and tea plants: Provided, That all cans, boxes, and other immediate containers, including paper, and other wrappings of tea in packages of less than five pounds each, and all intermediate containers of such tea, shall be dutiable at the rate chargeable thereon if imported empty. Provided further, That nothing herein contained shall be construed to repeal or impair the provisions of an Act entitled "An Act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, and any Act amendatory thereof

Par. 1683. Teeth, natural, or unmanufactured

Par. 1684. Tin ore or cassiterite, and black oxide of tin Provided, That there shall be imposed and paid upon cassiterite, or black oxide of tin, a duty of 4 cents per pound, and upon bar, block, pig tin and grain or granulated, a duty of 6 cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing one thousand five hundred tons of cassiterite and bar, block, and pig tin per year The President shall make known this fact by proclamation, and thereafter said duties shall go into effect

Par 1685. Tin in bars, blocks or pigs, and grain or granulated and scrap tin, including scrap tin plate.

Par. 1686. Tobacco stems not cut, ground, or pulverized

Par. 1687. Turmeric

Par. 1688. Turpentine, gum and spirits of, and rosin.

Par. 1689 Turtles.
Par 1690 Uranium, oxide and salts of.
Par 1691. Vegetable tallow
Par. 1692. Wafers, not edible
Par. 1693 Wax Animal, vegetable, or mineral, not specially provided for
Par 1694 Disks of soft wax, commonly known as master records, or metal matrices obtained therefrom, for use in the manufacture of sound records for export purposes
Par. 1695 Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States, but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as are necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale Provided, That all jewelry and similar articles of personal adornment having a value of $300 or more, brought in by a nonresident of the United States, shall, if sold within three years after the date of the arrival of such person in the United States, be liable to duty at the rate or rates in force at the time of such sale, to be paid by such person Provided further, That in case of residents of the United States returning from abroad all wearing apparel, personal and household effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury Provided further, That up to but not exceeding $100 in value of articles acquired abroad by such residents of the United States for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be admitted free of duty
Par. 1696 Whalebone, unmanufactured.
Par. 1697. All barbed wire, whether plain or galvanized.
Par 1698 Witherite.
Par 1699 Wood charcoal
Par 1700. Wood Logs; timber, round, unmanufactured, hewn, sided or squared otherwise than by sawing, pulp woods; round timber used for spars or in building wharves; firewood, handle bolts, shingle bolts; and gun blocks for gunstocks, rough hewn or sawed or planed on one side; sawed boards, planks, deals, and other lumber, not further manufactured than sawed, planed, and tongued and grooved; clapboards, laths, ship timber; all of the foregoing not specially provided for. Provided, That if there is imported into the United States any of the foregoing lumber, planed on one or more sides and tongued and grooved, manufactured in or exported from any country, dependency, province, or other subdivision of government which imposes a duty upon such lumber exported from the United States, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such duty, and if such duty is not removed he may by proclamation declare such failure of negotiations, and in such proclamation shall state the facts upon which his action is taken together with the rates imposed, and make declaration that like and equal rates shall be forthwith imposed as hereinafter provided; whereupon, and until such duty is removed, there shall be levied, collected, and paid upon such lumber, when imported directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to the duty imposed by such country, dependency, province, or other subdivision of government upon such lumber imported from the United States
Par 1701 Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods.
Par 1702 Pickets, palings, hoops, and staves of wood of all kinds
Par 1703 Woods Sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, india malacca joints, and other woods not specially provided for, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.
Par 1704 Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and woodcuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same; but the terms "sculpture" and "statuary" as used in this paragraph shall be understood to include professional productions of sculptors only, whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, or alabaster, or from metal, or cast in bronze or other metal or substance, or from wax or plaster, made as the professional productions of sculptors only, and the words "painting" and "sculpture" and "statuary" as used in this paragraph shall not be understood to include any articles of utility, nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings," "engravings," and "woodcuts" as used in this paragraph shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools and not such as are printed from plates or blocks etched or engraved by photochemical or other mechanical processes
Par 1705 Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation. Provided, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where application therefor shall be made
Par. 1706. Works of art, collections in illustration of the progress of the arts, sciences, agriculture, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, agriculture, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation, for the purpose of erecting a public monument, and not intended for sale nor for any other purpose than herein expressed; but bond shall be given, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject at any time to examination and inspection by the proper officers of the customs: Provided, That the privileges of this and the

preceding paragraph shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character

Par 1707 Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows which are works of art when imported to be used in houses of worship and when ordered after the passage of this Act, valued at $15 or more per square foot, and excluding any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation, but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe

Par 1708. Works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than one hundred years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe

Par. 1709 Worm gut, unmanufactured

Par 1710. Zaffer (Sept 21, 1922, c. 356, title II, § 201, 42 Stat 922–934)

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat 925, contains the following provision "Equipment or material purchased outside of the United States from funds appropriated in this Act shall be admitted free of duty"

Resolution March 3, 1925, c 481, § 3, 43 Stat. 1253, provides that all articles imported from foreign countries for the sole purposes of exhibition at the International Trade exposition at New Orleans, beginning Sept 15, 1925, "upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe Provided, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal."

Res March 3, 1925, c. 482, § 2, 43 Sat 1254, provides that all articles imported from foreign countries for the sole purpose of display at the sesquicentennial exhibition commemorating the signing of the Declaration of Independence "upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe, but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe. Provided, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and exposure, the duty, if payable, shall be assessed according to the appraised value at the time of sale or withdrawal, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal." Par. 1506.

Title III—Special Provisions

§ 5841c. Duties upon articles coming from or imported into Philippine Islands—There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty. Provided however, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: And provided further, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination. Provided, That direct shipments shall include shipments in bond through foreign territory contiguous to the United States: Provided, however, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: And provided, That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise shipped from said islands to the United States shall be exempt from the payment of any tax imposed by the internal revenue laws of the Philippine Islands: And provided further, That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture, such tax to be paid by internal-revenue stamps or otherwise as provided by the laws in the Philippine Islands; and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal revenue laws of the United States: And provided further, That in addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise imported into the Philippine Islands from countries other than the United States the internal-revenue tax imposed by the Philippine Government on like articles manufactured and consumed in the Philippine Islands or shipped thereto for consumption therein from the United States: And

provided further, That from and after the passage of this Act all internal revenues collected in or for account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the insular treasury. (Sept 21, 1922, c 356, title III, § 301, 42 Stat 934)

§ 5841c-1. Exemption from internal-revenue taxes of articles going into Porto Rico from United States—Articles, goods, wares, or merchandise going into Porto Rico from the United States shall be exempted from the payment of any tax imposed by the internal-revenue laws of the United States. (Sept 21, 1922, c 356, title III, § 302, 42 Stat 935)

§ 5841c-2. Countervailing duty upon articles on which export bounty has been paid—Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly, or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties (Sept 21, 1922, c. 356, title III, § 303, 42 Stat 935.)

§ 5841c-3. Marking imported articles and packages to indicate country of origin—Every article imported into the United States, which is capable of being marked, stamped, branded, or labeled, without injury, at the time of its manufacture or production, shall be marked, stamped, branded, or labeled, in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit. Any such article held in customs custody shall not be delivered until so marked, stamped, branded, or labeled, and until every such article of the importation which shall have been released from customs custody not so marked, stamped, branded, or labeled, shall be marked, stamped, branded, or labeled, in accordance with such rules and regulations as the Secretary of the Treasury may prescribe. Unless the article is exported under customs supervision, there shall be levied, collected, and paid upon every such article which at the time of importation is not so marked, stamped, branded, or labeled, in addition to the regular duty imposed by law on such article, a duty of 10 per centum of the appraised value thereof, or if such article is free of duty there shall be levied, collected, and paid upon such article a duty of 10 per centum of the appraised value thereof.

Every package containing any imported article, or articles, shall be marked, stamped, branded, or labeled, in legible English words, so as to indicate clearly the country of origin Any such package held in customs custody shall not be delivered unless so marked, stamped, branded, or labeled, and until every package of the importation which shall have been released from customs custody not so marked, stamped, branded or labeled shall be marked, stamped, branded, or labeled, in accordance with such rules and regulations as the Secretary of the Treasury may prescribe

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provisions (Sept 21, 1922, c 356, title III, § 304(a), 42 Stat 936)

§ 5841c-4. Violation of preceding section; penalty—If any person shall fraudulently violate any of the provisions of this Act relating to the marking, stamping, branding, or labeling of any imported articles or packages or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding $5,000, or be imprisoned for any time not exceeding one year, or both. (Sept 21, 1922, c 356, title III, § 304(b), 42 Stat 936)

§ 5841c-5. Importation of obscene books, etc.; seizure and forfeiture—All persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry, and all such articles shall be proceeded against, seized, and forfeited by due course of law All such prohibited articles and the package in which they are contained shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee: Provided, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subsection (Sept. 21, 1922, c. 356, title III, § 305(a), 42 Stat 936)

§ 5841c-6. Aiding or abetting violations of law prohibiting importation of obscene books, etc.; punishment—Any officer, agent, or employee of the Government of the United States who shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations; or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than $5,000, or by imprisonment at hard labor for not more than ten years, or both. (Sept. 21, 1922, c. 356, title III, § 305(b), 42 Stat. 937.)

§ 5841c-7. Warrants for search for and seizure of articles on violations of two preceding sections—Any district judge of the United States, within the proper district, before whom complaint in writing of any violation of subdivision (a) or (b) of

this section is made, founded upon probable cause and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the United States marshal or deputy marshal in the proper district or to a duly accredited customs officer, directing him to search for, seize, and take possession of any article or thing mentioned in such subdivisions, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error (Sept 21, 1922, c 356, title III, § 305(c), 42 Stat 937)

§ 5841c-8. Importation of neat cattle and hides thereof prohibited—The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited under such rules of inspection as the Secretary of Agriculture may determine (Sept 21, 1922, c 356, title III, § 306(a), 42 Stat 937)

§ 5841c-9. Same; exceptions—If the Secretary of Agriculture shall determine that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States, he shall officially notify the Secretary of the Treasury and give public notice that the operation of subdivision (a) of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries (Sept 21, 1922, c 356, title III, § 306(b), 42 Stat 937)

§ 5841c-10. Same; punishment—Any person convicted of a willful violation of any of the provisions of the preceding subsection shall be fined not exceeding $500, or imprisoned not exceeding one year, or both, in the discretion of the court (Sept. 21, 1922, c 356, title III, § 306(c), 42 Stat 937)

§ 5841c-11. Importation of goods manufactured by convict labor prohibited—All goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. (Sept. 21, 1922, c. 356, title III, § 307, 42 Stat 937)

§ 5841c-12. Admission without payment of duty, under bond for exportation—The following articles, when not imported for sale or for sale on approval, may be admitted into the United States under such rules and regulations as the Secretary of the Treasury may prescribe, without the payment of duty under bond for their exportation within six months from the date of importation:

(1) Machinery or other articles to be altered or repaired;

(2) Models of women's wearing apparel imported by manufacturers for use solely as models in their own establishments, and not for sale;

(3) Molder's patterns for use in the manufacture of castings,

(4) Samples solely for use in taking orders for merchandise;

(5) Articles intended solely for experimental purposes, and upon satisfactory proof to the Secretary that any such article has been destroyed because of its use for experimental purposes such bond may be canceled without the payment of duty;

(6) Automobiles, motor cycles, bicycles, airplanes, airships, balloons, motor boats, racing shells and similar vehicles and craft, teams and saddle horses, all of which are brought temporarily into the United States by nonresidents for touring purposes, or for the purposes of taking part in races or other specific contests,

(7) Locomotives, cars and coaches, and repair equipment belonging to railroads brought temporarily into the United States for the purpose of clearing obstructions, fighting fires, or making emergency repairs on lines the property of railroads within the United States, and

(8) Containers for compressed gases which comply with the laws and regulations for the transportation of such containers in the United States (Sept 21, 1922, c 356, title III, § 308, 42 Stat 938)

§ 5841c-13. Supplies to war vessels free of duty—The privilege of purchasing supplies from public warehouses, free of duty, and from bonded manufacturing warehouses, free of duty or of internal-revenue tax, as the case may be, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privileges toward the vessels of war of the United States in its ports. (Sept. 21, 1922, c 356, title III, § 309, 42 Stat. 938)

§ 5841c-14. Admission free of duty of merchandise of sunken and abandoned vessels—Whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon but under such regulations as the Secretary of the Treasury may prescribe (Sept 21, 1922, c. 356, title III, § 310, 42 Stat 938)

§ 5841c-15. Manufacturing warehouses; bonds of manufacturers; manufacture of distilled spirits not permitted—All articles manufactured in whole or in part of imported materials, or of materials subject to internal-revenue tax, and intended for exportation without being charged with duty, and without having an internal-revenue stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, in order to be so manufactured and exported, be made and manufactured in bonded warehouses similar to those known and designated in Treasury Regulations as bonded warehouses, class six Provided, That the manufacturer of such articles shall first give satisfactory bonds for the faithful observance of all the provisions of law and of such regulations as shall be prescribed by the Secretary of the Treasury: Provided further, That the manufacture of distilled spirits from grain, starch, molasses, or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Exemption from duty of goods manufactured in warehouses upon reexportation—Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps

Materials, etc., used in manufacture of goods for reexportation free of duty—Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the pay-

ment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse, but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

Withdrawal of manufactured goods for exportation in bond; withdrawal of by-products for domestic consumption upon payment of duty; destruction of waste; supervision of labor and services by customs officer—Articles or materials received into such bonded manufacturing warehouse or articles manufactured therefrom may be withdrawn or removed therefrom for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or lading for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel. Provided, That the by-products incident to the processes of manufacture, including waste derived from cleaning rice in bonded warehouses under the Act of March 24, 1874, in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or by-products were imported from a foreign country: Provided, That all waste material may be destroyed under Government supervision. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer

Accounts of merchandise delivered to warehouses—A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturers containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles

Lists of articles intended to be manufactured in warehouses to be filed—Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Withdrawal of manufactured articles for transportation and delivery into bonded warehouse at exterior port for immediate export therefrom; withdrawal of cigars for home consumption upon payment of duties and internal-revenue taxes—Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom: Provided, That cigars manufactured in whole of tobacco imported from any one country, made and manufactured in such bonded manufacturing warehouses, may be withdrawn for home consumption upon the payment of the duties on such tobacco in its condition as imported under such regulations as the Secretary of the Treasury may prescribe, and the payment of the internal-revenue tax accruing on such cigars in their condition as withdrawn, and the boxes or packages containing such cigars shall be stamped to indicate their character, origin of tobacco from which made, and place of manufacture

Application of R. S. § 3433—The provisions of section 3433 of the Revised Statutes shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this Act and to the merchandise conveyed therein. (Sept 21, 1922, c. 356, title III, § 311, 42 Stat 938.)

See U S Comp St 1918, p 1008, for the provisions of R S § 3433. See, also, U S. Comp. St 1918, §§ 6068, 6339

§ 5841c-16. Bonded smelting warehouses; removal of ores or crude metals to; bonds; withdrawal of metals for domestic consumption upon payment of duties; sampling and assaying; supervision of labor and services; regulations; cancellation of charges against bonds—The works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may upon the giving of satisfactory bonds, be designated as bonded smelting warehouses Ores or crude metals may be removed from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon, and there smelted or refined, or both, together with ores or crude metals of home or foreign production: Provided, That the bonds shall be charged with a sum equal in amount to the regular duties which would have been payable on such ores and crude metals if entered for consumption at the time of their importation, and the several charges against such bonds shall be canceled upon the exportation or delivery to a bonded manufacturing warehouse established under the preceding section of this title of a quantity of the same kind of metal equal to the quantity of metal producible from the smelting or refining, or both, of the dutiable metal contained in such ores or crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury: Provided further, That the said metals so producible, or any portion thereof, may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom and the several charges against the bonds canceled upon the payment of the duties chargeable against an equivalent amount of ores or crude metals from which said metal would be producible in their condition as imported. Provided further, That on the arrival of the ores and crude metals at such establishments they shall be sampled and assayed according to commercial methods under the supervision of Government officers: Provided further, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury and at the expense of the manufacturer: Provided further, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury: And provided further, That the several charges against the bonds of any smelting warehouse established under the provisions of this section may be canceled upon the exportation or transfer to a bonded manufacturing warehouse from any other bonded smelting warehouse established under this section of a quantity of the same kind of metal, in excess of that covered by open bonds, equal to the amount of metal producible from the smelting or refining, or both, of the dutiable metal contained in the imported ores and crude metals, due allowance being made of the smelter wastage as ascertained from time to time by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, title III, § 312, 42 Stat. 940.)

§ 5841c-17. Drawbacks on articles made from imported materials upon exportation thereof; flavoring extracts and medicinal or toilet preparations; imported salt for curing fish; meats cured in United States; materials for construction and equipment of vessels built for foreign account or ownership—Upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise, the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such duties shall not be so refunded upon the exportation of flour or by-products produced from imported wheat unless an amount of wheat grown in the United States equal to not less than 30 per centum of the amount of such imported wheat has been mixed with such imported wheat. Where two or more products result from the manipulation of imported merchandise, the drawback shall be distributed to the several products in accordance with their relative values at the time of separation. When the articles exported are manufactured or produced in part from domestic materials, the imported merchandise shall so appear in the completed articles that the quantity or measure thereof may be ascertained. The drawback on any article allowed under existing law shall be continued at the rate herein provided. The imported merchandise used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such merchandise is claimed, be identified, the quantity of such merchandise used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, the agent of either, or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

On the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

Provided, That imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries and in curing fish on the shores of the navigable waters of the United States, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes stated in this proviso, the duties on the same shall be remitted: Provided further, That upon the exportation of meats, whether packed or smoked, which have been cured in the United States with imported salt, there shall be refunded from the Treasury, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, the duties paid on the salt so used in curing such exported meats, in amounts not less than $100.

The provisions of this section shall apply to materials imported and used in the construction and equipment of vessels built for foreign account and ownership, or for the Government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported. (Sept. 21, 1922, c. 356, title III, § 313, 42 Stat. 940.)

§ 5841c-18. Duty on articles reimported after exportation free of internal revenue taxes—Upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal revenue laws upon such articles, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, title III, § 314, 42 Stat. 941.)

§ 5841c-19. Procedure where duties do not equalize differences in costs of production in United States and principal competing country; changes in classifications by President—In order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this Act intended, whenever the President upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this Act do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this Act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). Provided, That the total increase or decrease of such rates of duty shall not exceed 50 per centum of the rates specified in Title I of this Act, or in any amendatory Act. (Sept. 21, 1922, c. 356, title III, § 315(a), 42 Stat. 941.)

§ 5841c-20. Same; value of imported articles to be based upon American selling price—In order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this Act intended, whenever the President, upon investigation of the differences in costs of production of articles provided for in Title I of this Act, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this Act do not equalize said differences, and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country cannot be equalized by proceeding under the provisions of subdivision (a) of this section, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or

duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this Act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under subdivision (b) of this section.

The ad valorem rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences, but no such rate shall be decreased more than 50 per centum of the rate specified in Title I of this Act upon such articles, nor shall any such rate be increased. Such rate or rates of duty shall become effective fifteen days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this Act. (Sept. 21, 1922, c. 356, title III, § 315(b), 42 Stat. 942.)

§ 5841c-21. Same; methods of ascertaining differences in costs of production of domestic and foreign articles; investigations by Tariff Commission; restrictions on reclassifications—In ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b) of this section, the President, in so far as he finds it practicable, shall take into consideration (1) the differences in conditions in production, including wages, costs of material, and other items in costs of production of such or similar articles in the United States and in competing foreign countries, (2) the differences in the wholesale selling prices of domestic and foreign articles in the principal markets of the United States, (3) advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country, and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this Act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified. (Sept. 21, 1922, c. 356, tit. III, § 315(c), 42 Stat. 942.)

§ 5841c-22. Same; coal-tar products—For the purposes of this section any coal-tar product provided for in paragraphs 27 or 28 of Title I of this Act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner. (Sept. 21, 1922, c. 356, title III, § 315(d), 42 Stat. 943.)

§ 5841c-23. Same; Presidential rules and regulations—The President is authorized to make all needful rules and regulations for carrying out the provisions of this section. (Sept. 21, 1922, c. 356, title III, § 315(e), 42 Stat. 943.)

§ 5841c-24. Same; rules and regulations for entry and declaration of articles whose valuation has been changed—The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of subdivision (b) of this section and for the form of invoice required at time of entry. (Sept. 21, 1922, c. 356, title III, § 315(f), 42 Stat. 943.)

§ 5841c-25. Unfair methods of competition and unfair acts in importation of articles or their sale tending to destroy or injure domestic industries—Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided. (Sept. 21, 1922, c. 356, title III, § 316(a), 42 Stat. 943.)

§ 5841c-26. Same; investigations by Tariff Commission—To assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative. (Sept. 21, 1922, c. 356, title III, § 316(b), 42 Stat. 943.)

§ 5841c-27. Same; rules for and conduct of investigations by Tariff Commission; testimony; findings; appeals to Court of Customs Appeals and review by Supreme Court—The commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation, that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of the commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles, that such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within

such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles, that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper, that the commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only, that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals (Sept 21, 1922, c 356, title III, § 316(c), 42 Stat 943)

§ 5841c-28. Same; findings of Tariff Commission transmitted to President—The final findings of the commission shall be transmitted with the record to the President (Sept 21, 1922, c 356, title III, § 316(d), 42 Stat 944)

§ 5841c-29 Same; levy of additional offset duties—Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per centum of the value of such articles as defined in section 402 of Title IV of this Act, which will offset such method or act, and which is hereby imposed upon articles imported in violation of this Act, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this Act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry, and that the decision of the President shall be conclusive (Sept 21, 1922, c 356, title III, § 316(e), 42 Stat 944)

§ 5841c-30. Same; forbidding entry of articles until completion of investigations—Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: Provided, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate. (Sept. 21, 1922, c. 356, title III, § 316(f), 42 Stat. 944)

§ 5841c-31. Same; length of time additional duties or refusal of entries effective—Any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist. (Sept 21, 1922, c. 356, title III, § 316(g), 42 Stat. 944.)

§ 5841c-32. Imports from foreign countries making discriminations against articles wholly or in part growth or product of United States; new or additional duties on imports; proclamation by President—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country,

Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country (Sept 21, 1922, c 356, title III, § 317(a), 42 Stat 944)

§ 5841c-33. Same; exclusion from importation; proclamation by President—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such articles of said country as he shall deem the public interests may require shall be excluded from importation into the United States. (Sept. 21, 1922, c. 356, title III, § 317(b), 42 Stat 945.)

§ 5841c-34. Same; scope of, and suspension, revocation, etc., of proclamations—Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof, and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation (Sept. 21, 1922, c 356, title III, § 317(c), 42 Stat. 945)

§ 5841c-35. Same; effective date of new or additional duties or exclusion from importation—Whenever the President shall find as a fact that any foreign country places any burdens upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burdens, not to exceed 50 per centum ad valorem or its equivalent, and on and after thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty, or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation (Sept 21, 1922, c. 356, title III, § 317(d), 42 Stat. 945.)

§ 5841c-36. Same; further new or additional duties on imports—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per centum ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles and on and after thirty days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles. (Sept 21, 1922, c. 356, title III, § 317(e), 42 Stat 945.)

§ 5841c-37. Same; forfeiture, seizure, and condemnation of articles imported contrary to provisions of section—All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws Whenever the provisions of this Act shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly. (Sept. 21, 1922, c 356, title III, § 317(f), 42 Stat 946)

§ 5841c-38. Same; duties of Tariff Commission—It shall be the duty of the United States Tariff Commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations. (Sept. 21, 1922, c. 356, title III, § 317(g), 42 Stat. 946)

§ 5841c-39. Same; rules and regulations by Secretary of Treasury—The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section (Sept 21, 1922, c. 356, title III, § 317(h), 42 Stat 946)

§ 5841c-40. Same; "foreign country" defined—When used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced. (Sept. 21, 1922, c. 356, title III, § 317(i), 42 Stat. 946.)

§ 5841c-41. United States Tariff Commission; ascertaining conversion costs and costs of production of articles of United States and of foreign countries; selection and description of articles of United States and of foreign countries similar to or comparable with each other; ascertaining import costs of such articles; ascertaining grower's, producer's or manufacturer's selling prices of selected articles of United States; ascertaining facts showing differences in or affecting competition between articles of United States and imported articles—In order that the President and the Congress may secure information and assistance, it shall be the duty of the United States Tariff Commission, in addition to the duties now imposed upon it by law, to—

(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the commission it is practicable,

(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained,

(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States, select and describe articles of the United States similar to or comparable with such imported article, and obtain and file samples of articles so selected, whenever the commission deems it advisable;

(4) Ascertain import costs of such representative articles so selected;

(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected, and

(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States. (Sept. 21, 1922, c 356, title III, § 318(a), 42 Stat. 946.)

Subsection (f) of section 318 amends Act Sept 8, 1916, c 463, § 706, ante, § 5326g.

§ 5841c-42. Same; definitions—When used in this section—

The term "article" includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

The term "import cost" means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States. (Sept. 21, 1922, c. 356, title III, § 318(b), 42 Stat 947.)

§ 5841c-43. Same; powers and privileges of Commission—In carrying out the provisions of this section the commission shall possess all the powers and privileges conferred upon it by the provisions of Title VII of the Revenue Act of 1916, and in addition it as authorized, in order to ascertain any facts required by this section, to require any importer and any American grower, producer, manufacturer, or seller to file with the commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated,

manipulated, or manufactured by him (Sept 21, 1922, c. 356, title III, § 318(c), 42 Stat 947)

§ **5841c-44. Same; office of Commission at port of New York**—The commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law. (Sept. 21, 1922, c. 356, title III, § 318(d), 42 Stat 947)

§ **5841c-45. Same; seal of Commission**—The United States Tariff Commission is authorized to adopt an official seal, which shall be judicially noticed. (Sept 21, 1922, c 356, title III, § 318(e), 42 Stat. 947.)

§ **5841c-46. Duties imposed applicable to previous imports not entered, or entered without payment of duty and under bond**—On and after the day when this Act shall go into effect all goods, wares, and merchandise, previously imported, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act and to no other duty upon the entry or the withdrawal thereof: Provided, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry. (Sept 21, 1922, c 356, title III, § 319, 42 Stat 947)

§ **5841c-47. Treaty of commercial reciprocity with Cuba and Act Dec. 17, 1903, c. 1, not affected**—Nothing in this Act shall be construed to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or the provisions of the Act of December 17, 1903, chapter 1 (Sept. 21, 1922, c. 356, title III, § 320, 42 Stat 947)

§ **5841c-48. Acts and parts of acts repealed; exceptions**—Except as hereinafter provided, Sections I and IV of the Act of October 3, 1913, chapter 16, as amended; the Act of July 26, 1911, chapter 3, so much of section 4132 of the Revised Statutes as amended by the Act of August 24, 1912, chapter 390, as relates to the free admission of materials for the construction or repair of vessels and the building or repair of their machinery and articles for their outfit and equipment; and so much of the Sundry Civil Appropriation Act of March 2, 1895, chapter 189, as relates to the sampling and assaying of lead ores, are hereby repealed: Provided, That nothing in this Act shall be construed to repeal or in any manner affect the following provisions of the aforesaid Act approved October 3, 1913, viz Subsections 1, 2, and 3, paragraph J, Section IV, as modified by the Act of March 4, 1915, chapter 171; and subsection 2, paragraph N, Section IV; nor of subsection 30 of section 28 of the Act of August 5, 1909. (Sept. 21, 1922, c 356, title III, § 321, 42 Stat. 947)

§ **5841c-49. Duties on automobiles, etc., sold to foreign governments, etc., upon importation into United States**—All automobiles, automobile bodies, automobile chassis, and parts thereof, including tires, exported prior to February 11, 1919, from the United States of America for the use of the American Expeditionary Forces or the Governments associated with the Government of the United States of America in the war with Germany and Austria, and which have been sold or delivered to any foreign Government, individual, partnership, corporation, or association by the United States Liquidation Commission, or by any other agent or official of the United States of America, when imported into the United States of America shall pay a duty of 90 per centum ad valorem, the value of such articles to be fixed on a basis equivalent to the original value of such articles in the United States, under rules and regulations to be prescribed by the Secretary of the Treasury. (Sept. 21, 1922, c. 356, title III, § 322, 42 Stat. 948.)

Title IV—Customs Administration

ADMINISTRATIVE PROVISIONS

PART 1.—DEFINITIONS

§ **5841d. Definitions**—When used in this title—

(a) Vessel—The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water or in water and in air.

(b) Vehicle—The word "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land, or through the air.

(c) Merchandise—The word "merchandise" means goods, wares, and chattels of every description and includes merchandise the importation of which is prohibited

(d) Person—The word "person" includes partnerships, associations, and corporations

(e) Master—The word "master" means the person having the command of the vessel

(f) Day.—The word "day" means the time from eight o'clock antemeridian to five o'clock postmeridian

(g) Night—The word 'night" means the time from five o'clock postmeridian to eight o'clock antemeridian.

(h) Collector—The word "collector" means the collector of customs, and includes a deputy collector of customs and any person authorized by law or by regulations of the Secretary of the Treasury to perform the duties of collector of customs

(i) Appraiser.—The word "appraiser" means the person authorized by law, or by the Secretary of the Treasury, to appraise imported merchandise and to make a return of the value thereof.

(j) The term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila (Sept 21, 1922, c. 356, title IV, § 401, 42 Stat 948)

§ **5841d-1. Valuation of imported merchandise; foreign value; export value; United States value; cost of production; American selling price**—Value.—For the purposes of this Act the value of imported merchandise shall be—

(1) The foreign value or the export value, whichever is higher;

(2) If neither the foreign value nor the export value can be ascertained to the satisfaction of the appraising officers, then the United States value;

(3) If neither the foreign value, the export value, nor the United States value can be ascertained to the satisfaction of the appraising officers, then the cost of production;

(4) If there be any similar competitive article manufactured or produced in the United States of a class or kind upon which the President has made public a finding as provided in subdivision (b) of section 315 of Title III of this Act, then the American selling price of such article. (Sept. 21, 1922, c. 356, title IV, § 402(a), 42 Stat. 949.)

§ 5841d-2. Same; foreign value; how ascertained—The foreign value of imported merchandise shall be the market value or the price at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, including the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States (Sept. 21, 1922, c. 356, title IV, § 402(b), 42 Stat 949)

§ 5841d-3. Same; export value; how ascertained—The export value of imported merchandise shall be the market value or the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States If in the ordinary course of trade imported merchandise is shipped to the United States to an agent of the seller, or to the seller's branch house, pursuant to an order or an agreement to purchase (whether placed or entered into in the United States or in the foreign country), for delivery to the purchaser in the United States, and if the title to such merchandise remains in the seller until such delivery, then such merchandise shall not be deemed to be freely offered for sale in the principal markets of the country from which exported for exportation to the United States, within the meaning of this subdivision (Sept 21, 1922, c. 356, title IV, § 402(c), 42 Stat 949)

§ 5841d-4. Same; United States value; how ascertained—The United States value of imported merchandise shall be the price at which such or similar imported merchandise is freely offered for sale, packed ready for delivery, in the principal market of the United States to all purchasers, at the time of exportation of the imported merchandise, in the usual wholesale quantities and in the ordinary course of trade, with allowance made for duty, cost of transportation and insurance, and other necessary expenses from the place of shipment to the place of delivery, a commission not exceeding 6 per centum, if any has been paid or contracted to be paid on goods secured otherwise than by purchase, or profits not to exceed 8 per centum and a reasonable allowance for general expenses, not to exceed 8 per centum on purchased goods (Sept. 21, 1922, c. 356, title IV, § 402(d), 42 Stat. 949.)

§ 5841d-5. Same; cost of production; how ascertained—For the purpose of this title the cost of production of imported merchandise shall be the sum of—

(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing such or similar merchandise, at a time preceding the date of exportation of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business,

(2) The usual general expenses (not less than 10 per centum of such cost) in the case of such or similar merchandise;

(3) The cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2) of this subdivision) equal to the profit which ordinarily is added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the production or manufacture of merchandise of the same class or kind (Sept 21, 1922, c. 356, title IV, § 402(e), 42 Stat 949)

§ 5841d-6. Same; American selling price; how ascertained—The American selling price of any article manufactured or produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for delivery, at which such article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article (Sept 21, 1922, c 356, title IV, § 402(f), 42 Stat 950)

PART 2—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

§ 5841e. Manifests, form and contents—Form of manifest—The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained Such manifest shall contain

First The names of the ports at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port: Provided, That the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo "for orders," and within fifteen days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered

Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel

Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag

Fourth The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order the manifest shall so state.

Fifth The names of the several passengers aboard the vessel, stating whether cabin or steerage passen-

gers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

Sixth An account of the sea stores and ship's stores on board of the vessel. (Sept. 21, 1922, c. 356, title IV, § 431, 42 Stat 950)

§ 5841e-1. Same; separate specification of articles to be retained on board vessel; forfeiture of articles upon landing same or found to be in excess of specification; penalty—Sea and ship's stores.—The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not, are landed without a permit therefor issued by the collector, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles (Sept. 21, 1922, c. 356, title IV, § 432, 42 Stat 951)

§ 5841e-2. Report of arrival of vessels; duty of master—Report of arrival.—Within twenty-four hours after the arrival of any vessel from a foreign port or place, or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or within any harbor or bay at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the customhouse, under such regulations as the Secretary of Commerce may prescribe (Sept. 21, 1922, c 356, title IV, § 433, 42 Stat 951)

§ 5841e-3. Entry of American vessels—Entry of American vessels.—Except as otherwise provided by law, and under such regulations as the Secretary of Commerce may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within forty-eight hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the collector the vessel's crew list, its register, or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one copy of the manifest, and shall make oath that the ownership of the vessel is as indicated in the register and that the manifest was made out in accordance with section 431 of this Act. (Sept 21, 1922 c. 356, title IV, § 434, 42 Stat 951)

§ 5841e-4. Entry of foreign vessels—Entry of foreign vessels.—The master of any foreign vessel arriving within the limits of any customs collection district shall, within forty-eight hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul of the nation to which such vessel belongs that said documents have been deposited with him: Provided, That such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations. (Sept. 21, 1922, c. 356, title IV, § 435, 42 Stat. 951.)

§ 5841e-5. Failure to report to enter vessel—Failure to report or enter vessel.—Every master who fails to make the report or entry provided for in section 432, 434, or 435 of this Act shall, for each offense, be liable to a fine of not more than $1,000. (Sept 21, 1922, c 356, title IV, § 436, 42 Stat 951)

§ 5841e-6. Documents returned upon clearance—Documents returned at clearance.—The register, or document in lieu thereof, deposited in accordance with section 434 or 435 of this Act shall be returned to the master or owner of the vessel upon its clearance (Sept 21, 1922, c. 356, title IV, § 437, 42 Stat 951)

§ 5841e-7. Return of documents deposited with foreign consul without production of clearance; fine—Unlawful return of ship's papers.—It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 435 of this Act until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than $5,000 (Sept 21, 1922, c. 356, title IV, § 438, 42 Stat. 952)

§ 5841e-8. Mailing copy of manifest and corrections thereof to Comptroller General or comptroller of customs; failure; penalty—Failure to deliver manifest.—Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port required to make entry shall mail to the Comptroller General of the United States at Washington, District of Columbia, or shall mail or deliver to the comptroller of customs, if any be located in such district, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail to said Comptroller General, or mail or deliver to said comptroller of customs a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than $500 (Sept. 21, 1922, c 356, title IV, § 439, 42 Stat 952.)

§ 5841e-9. Post entries; mailing copies to Comptroller General or comptroller of customs; failure; penalty—Post entry.—If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail a copy to the Comptroller General of the United States or mail or deliver a copy to the comptroller of customs, if any, and for failure so to do shall be liable to a penalty of $500. (Sept. 21, 1922, c. 356, title IV, § 440, 42 Stat. 952.)

§ 5841e-10. Vessels not required to enter—Vessels not required to enter.—The following vessels shall not be required to make entry at the customhouse:

(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade,

(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: Provided, That the master of any such vessel shall be required to report such baggage and merchandise to the collector within twenty-four hours after arrival;

(3) Yachts of fifteen gross tons or under not per-

mitted by law to carry merchandise or passengers for hire,

(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, or necessary sea stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any merchandise other than bunker coal, bunker oil, or necessary sea stores. Provided, That the master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, or necessary sea stores taken on board, and

(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear (Sept. 21, 1922, c 356, title IV, § 441, 42 Stat 952)

§ 5841e-11. Goods destined for foreign ports or domestic ports other than port of entry at which vessel first arrived; bonds—Residue cargo. —Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this Act, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof: Provided, That the Secretary of the Treasury may, by general regulations or otherwise, require the master or owner of any vessel so proceeding to a foreign port or to a port or district other than that at which the vessel first arrived to give a bond in an amount equal to the estimated duties conditioned that no merchandise shall be landed in the United States from such vessel without entry therefor having been made and a permit secured from the customs officer and for the production of such landing certificates or other evidence of compliance with such bond as the Secretary of the Treasury may by general regulations require. (Sept. 21, 1922, c 356, title IV, § 442, 42 Stat. 952)

§ 5841e-12. Manifests; description of cargoes for different districts or ports; permits for departure from port of first arrival—Cargo for different ports.—Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board. (Sept. 21, 1922, c. 356, title IV, § 443, 42 Stat 953)

§ 5841e-13. Entry at another port—Entry at another port—Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall make entry with the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with the certified copy of his manifest. (Sept. 21, 1922, c. 356, title IV, § 444, 42 Stat. 953.)

§ 5841e-14. Failure to obtain or to produce permit—Failure to obtain or to produce permit—If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the collector at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than $500 (Sept 21, 1922, c. 356, title IV, § 445, 42 Stat 953)

§ 5841e-15. Stores retained on board—Stores retained on board—Vessels arriving in the United States from foreign ports may retain on board, without the payment of duty, all coal and other fuel supplies, ships' stores, sea stores, and the legitimate equipment of such vessels Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise: Provided, That bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in part for any cause, may be transferred under a permit by the collector and under customs supervision from the vessel so delayed to another vessel of the same line, and owner, and engaged in the foreign trade without the payment of duty thereon. (Sept 21, 1922, c 356, title IV, § 446, 42 Stat 953)

§ 5841e-16. Place of entry and unlading; merchandise in bulk—Unlading—Place—It shall be unlawful to make entry of any vessel or to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: Provided, That upon good cause therefor being shown, the Secretary of Commerce may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe. And provided further, That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest. (Sept 21, 1922, c 356, title IV, § 447, 42 Stat. 953)

§ 5841e-17. Unlading before entry or report of arrival and grant of permit; preliminary entry; retention of merchandise or baggage until entry made or permit granted for delivery—Same—Preliminary entry—Permit.—Except as provided in section 441 of this Act, no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector: Provided, That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this Act. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the

place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours exclusive of Sunday and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector, as provided in section 484, shall be sent to the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage until entry thereof is made (Sept 21, 1922, c. 356, title IV, § 448, 42 Stat 953)

§ 5841e-18. Unlading in cases of emergency—Same—Emergency.—Except as provided in sections 442 and 447 of this Act, merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the collector of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination (Sept 21, 1922, c. 356, title IV, § 449, 42 Stat. 954.)

§ 5841e-19. Time for unlading; Sundays, holidays, or at night; special licenses—Same—Sundays and holidays.—No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c 356, title IV, § 450, 42 Stat. 954.)

§ 5841e-20. Bonds for special licenses—Same—Bond.—Before any such special license to unlade shall be granted, the master, owner, or agent, of such vessel or vehicle shall be required to give a bond in a penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees whose services are required in connection with such unlading at night or on Sunday or a holiday in accordance with the provisions of section 5 of the Act entitled "An Act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, as amended. In lieu of such bond the owner, or agent, of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of one year from the date thereof. (Sept. 21, 1922, c. 356, title IV, § 451, 42 Stat. 954)

§ 5841e-21. Special license for lading at night, or on Sundays or holidays—Lading.—No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the collector under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond (Sept. 21, 1922, c 356, title IV, § 452, 42 Stat. 955.)

§ 5841e-22. Penalty and forfeiture for lading or unlading contrary to law—Penalty for violation.—If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture. (Sept. 21, 1922, c 356, title IV, § 453, 42 Stat. 955)

§ 5841e-23. Boarding and discharging inspectors; duties; obstructing or hindering; penalty—Boarding and discharging inspectors.—The collector for the district in which any vessel or vehicle arrives from a foreign port or place may put on board of such vessel or vehicle while within such district, and if necessary while going from one district to another, one or more inspectors or other customs officers to examine the cargo and contents of such vessel or vehicle and superintend the unlading thereof, and to perform such other duties as may be required by law or the customs regulations for the protection of the revenue. Such inspector or other customs officer may, if he shall deem the same necessary for the protection of the revenue, secure the hatches or other communications or outlets of such vessel or vehicle with customs seals or other proper fastenings while such vessel is not in the act of unlading and such fastenings shall not be removed without permission of the inspector or other customs officer. Such inspector or other customs officer may require any vessel or vehicle to discontinue or suspend unlading during the continuance of unfavorable weather or any conditions rendering the discharge of cargo dangerous or detrimental to the revenue. Any officer, owner, agent of the owner, or member of the crew of any such vessel who obstructs or hinders any such inspector or other customs officer in the performance of his duties, shall be liable to a penalty of not more than $500. (Sept. 21, 1922, c. 356, title IV, § 454, 42 Stat. 955.)

§ 5841e-24. Same; compensation—Compensation, and so forth, of inspectors.—The compensation of any inspector or other customs officer, stationed on any vessel or vehicle while proceeding from one port to another and returning therefrom, shall be reimbursed to the Government by the master or owner of such vessel, together with the actual expense of such inspector or customs officer for subsistence, or in lieu of such expenses such vessel or vehicle may furnish such inspector or customs officer the accommodations usually supplied to passengers. (Sept. 21, 1922, c. 356, title IV, § 455, 42 Stat. 955.)

§ 5841e-25. Custody of cargo not unladen—Cargo not unladen.—Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than twenty-five days after the date on which report of said vessel or vehicle was made, the collector may take possession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such

vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle (Sept 21, 1922, c. 356, title IV, § 456, 42 Stat 955)

§ 5841e-26. Unlading at risk of consignee until entry made—General order—At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken possession of by the collector after the expiration of one day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made (Sept 21, 1922, c 356, title IV, § 457, 42 Stat. 956)

§ 5841e-27. Time for unlading bulk cargo—Bulk cargo—The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge its cargo, the compensation of the inspectors or other customs officers whose services are required in connection with the unlading shall, for every day consumed in unlading in excess of twenty-five days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel (Sept 21, 1922, c 356, title IV, § 458, 42 Stat 956.)

§ 5841e-28. Imports from contiguous countries; reports of arrival; production of manifests; permits to proceed inland or discharge cargo; penalties and forfeitures for failure to report arrival or unlading without permit—Imports from contiguous countries—Report.—The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer The master of any such vessel, or the person in charge of any such vehicle who fails to report arrival in the United States as required by the provisions of this section shall be subject to a fine of $100 for each offense, and if any merchandise or baggage is unladen or discharged from any such vessel or vehicle without a permit therefor, the same, together with the vessel or vehicle in which imported, shall be subject to forfeiture (Sept. 21, 1922, c. 356, title IV, § 459, 42 Stat 956.)

§ 5841e-29. Same; forfeitures and penalties for failure to report arrival or file manifests—Same—Failure to report—If any merchandise is imported or brought into the United States in any vessel or vehicle from a contiguous country without being so reported to the collector, or in case of the neglect or failure of the master of the vessel or the person in charge of the vehicle to file a manifest therefor, such merchandise and the vessel or vehicle shall be subject to forfeiture and the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise imported in such vessel or vehicle which was not reported to the collector or included in the manifest (Sept. 21, 1922, c. 356, title IV, § 460, 42 Stat. 956)

§ 5841e-30. Same; inspection—Same—Inspection.—All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive, and such officer may require the owner, or his agent, or other person, having charge or possession of any trunk, traveling bag, sack, valise, or other container, or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same (Sept 21, 1922, c 356, title IV, § 461, 42 Stat 956)

§ 5841e-31. Same; forfeiture on refusal to permit inspection—Same—forfeiture—If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture (Sept 21, 1922, c. 356, title IV, § 462, 42 Stat 956.)

§ 5841e-32. Same; sealing vessels or vehicles—Same—Sealed cars—To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs or consular officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe (Sept 21, 1922, c 356, title IV, § 463, 42 Stat 957)

§ 5841e-33. Same; failure to proceed to port of destination; punishment; forfeiture—Same—Delivery—If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture. (Sept. 21, 1922, c 356, title IV, § 464, 42 Stat 957.)

§ 5841e-34. Same; supplies, etc.; filing lists of with manifest; penalty for failure—Same—Supplies, and so forth.—The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all supplies or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment [illegible] on board such vessel. The conductor or person in charge of any railway car arriving from a contiguous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than

$100 and not more than $500, or to imprisonment for not more than two years, or both (Sept 21, 1922, c 356, title IV, § 465, 42 Stat. 957)

Section 496 of the Revenue Act of 1922 amends R S §§ 3114, 3115, ante, §§ 5826, 5827

PART 3.—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

§ 5841f. Invoices; contents—Contents of invoice.—That all invoices of merchandise to be imported into the United States shall set forth—

(1) The port of entry to which the merchandise is destined,

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped,

(3) A detailed description of the merchandise, including the name by which each item is known the grade or quality, and the marks, numbers, or symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or, in the weights and measures of the United States,

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase,

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation,

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper, or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper;

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise, and

(10) Any other facts deemed necessary to a proper appraisement, examination, and classification of the merchandise that the Secretary of the Treasury may require (Sept. 21, 1922, c. 356, title IV, § 481(a), 42 Stat 958.)

§ 5841f-1. Same; where merchandise shipped by other than manufacturer otherwise than by purchase—If the merchandise is shipped to a person in the United States by a person other than the manufacturer, otherwise than by purchase, such person shall state on the invoice the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper. (Sept. 21, 1922, c. 356, title IV, § 481(b), 42 Stat. 958.)

§ 5841f-2. Same; where goods have been purchased in different consular districts—When the merchandise has been purchased in different consular districts for shipment to the United States and is assembled for shipment and embraced in a single invoice which is produced for certification under the provisions of paragraph (2) of subdivision (a) of section 482 of this Act, the invoice shall have attached thereto the original bills or invoices received by the shipper or extracts therefrom, showing the actual prices paid or to be paid for such merchandise The consular officer to whom the invoice is so produced for certification may require that any such original bill or invoice be certified by the consular officer for the district in which the merchandise was purchased (Sept 21, 1922, c 356, title IV, § 481(c), 42 Stat 958)

§ 5841f-3. Certification of invoices; consular districts—Declarations accompanying certified invoices.—(a) Every invoice covering merchandise exceeding $100 in value shall, at or before the time of the shipment of the merchandise, or as soon thereafter as the conditions will permit, be produced for certification to the consular officer of the United States—

(1) For the consular district in which the merchandise was manufactured or purchased, or from which it was to be delivered pursuant to contract,

(2) For the consular district in which the merchandise is assembled and repacked for shipment to the United States, if it has been purchased in different consular districts (Sept. 21, 1922, c 356, title IV, § 482(a), 42 Stat 959)

§ 5841f-4. Declaration indorsed upon invoices—Such invoices shall have indorsed thereon, when so produced, a verified declaration, in a form prescribed by the Secretary of the Treasury, stating whether the merchandise is sold or agreed to be sold, or whether it is shipped otherwise than in pursuance of a purchase or an agreement to purchase, that there is no other invoice differing from the invoice so produced, and that all the statements contained in such invoice and in such declaration are true and correct. (Sept. 21, 1922, c 356, title IV, § 482(b), 42 Stat. 959)

§ 5841f-5. Copies of certified invoices—Every certified invoice shall be made out in triplicate or in quadruplicate, if desired by the shipper, for merchandise intended for immediate transportation, under the provisions of section 552 of this Act, and shall be signed by the seller or shipper, or the agent of either. Where any such invoice is signed by an agent, he shall state thereon the name of his principal. (Sept 21, 1922, c 356, title IV, § 482(c), 42 Stat. 959)

§ 5841f-6. Manner of certifying invoices—Such invoices shall be certified in accordance with the provisions of existing law. (Sept 21, 1922, c. 356, title IV, § 482(d), 42 Stat. 959)

§ 5841f-7. Disposition of original invoice and copies thereof—The original of the invoice shall be filed in the office of the consular officer by whom it was certified, to be there kept until the Secretary of State authorizes its destruction. The duplicate, and if made, the quadruplicate shall be delivered to the exporter, to be forwarded to the consignee for use in making entry of the merchandise and the triplicate shall be promptly transmitted by the consular officer to the collector of customs at the port of entry named in the invoice (Sept 21, 1922, c 356, title IV, § 482 (e), 42 Stat 959.)

§ 5841f-8. Certification of invoices by other than American consular officers—When merchandise is to be shipped from a place so remote from an

American consulate as to render impracticable certification of the invoice by an American consular officer such invoice may be certified by consular officer of a nation at the time in amity with the United States, or if there be no such consular officer available such invoice shall be executed before a notary public or other officer having authority to administer oaths and having an official seal: Provided That invoices for merchandise shipped to the United States from the Philippine Islands or any of its other possessions may be certified by the collector of customs or the person acting as such, or by his deputy. (Sept. 21, 1922, c. 356, title IV, § 482(f), 42 Stat. 959)

§ 5841f-9. Ownership of merchandise—Ownership for entry.—All merchandise imported into the United States shall, for the purposes of this title, be held to be the property of the person to whom the same is consigned, and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof. The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may, for such purposes, be regarded as the consignees. (Sept. 21, 1922, c. 356, title IV, § 483, 42 Stat 959.)

§ 5841f-10. Entry of merchandise; by whom made; time for making—Entry.—Except as provided in sections 490, 498, 552, and 553 and in subsection (d) of section 315 of this Act, the consignee of imported merchandise shall make entry therefor either in person or by an agent authorized by him in writing under such regulations as the Secretary of the Treasury may prescribe. Such entry shall be made at the customhouse within forty-eight hours, exclusive of Sundays and holidays, after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless the collector authorizes in writing a longer time. (Sept 21, 1922, c. 356, title IV, § 484(a), 42 Stat. 960)

§ 5841f-11. Same; certified invoices to be produced; exceptions—No merchandise shall be admitted to entry under the provisions of this section without the production of a certified invoice therefor, except that entry may be permitted if—

(1) The collector is satisfied that the failure to produce such invoice is due to causes beyond the control of the person making entry;

(2) Such person makes a verified declaration in writing that he is unable to produce such invoice and (A) files therewith a seller's or shipper's invoice, or (B) if he is not in possession of a seller's or shipper's invoice files therewith a statement of the value, or the price paid, in the form of an invoice, and

(3) Such person gives a bond in a penal sum to be fixed by the Secretary of the Treasury for the production of such certified invoice within six months, and the payment of the penal sum so fixed as liquidated damages in the event such invoice is not so produced. (Sept. 21, 1922, c. 356, title IV, § 484(b), 42 Stat. 960.)

§ 5841f-12. Same; bill of lading to be produced; exceptions—The consignee shall produce the bill of lading at the time of making entry, except that

(1) If the collector is satisfied that no bill of lading has been issued, the shipping receipt or other evidence satisfactory to the collector may be accepted in lieu thereof; and

(2) The collector is authorized to permit entry and to release merchandise from customs custody without the production of the bill of lading if the person making such entry gives a bond satisfactory to the collector, in a sum equal to not less than one and one-half times the invoice value of the merchandise, to produce such bill of lading, to relieve the collector of all liability, to indemnify the collector against loss, to defend every action brought upon a claim for loss or damage, by reason of such release from customs custody or a failure to produce such bill of lading and to entitle any person injured by reason of such release from customs custody to sue on such bond in his own name, without making the collector a party thereto. Any person so injured by such release may sue on such bond to recover any damages so sustained by him (Sept 21, 1922, c. 356, title IV, § 484(c), 42 Stat 960)

§ 5841f-13. Same; signature; contents—Such entry shall be signed by the consignee, or his agent, and shall set forth such facts in regard to the importation as the Secretary of the Treasury may require for the purpose of assessing duties and to secure a proper examination, inspection, appraisement, and liquidation, and shall be accompanied by such invoices, bills of lading, certificates and documents as are required by law and regulations promulgated thereunder (Sept 21, 1922, c 356, title IV, § 484(d), 42 Stat. 960)

§ 5841f-14. Same; enumeration of kinds and quantities of merchandise imported and their value—The Secretary of the Treasury and the Secretary of Commerce are authorized and directed to establish from time to time for statistical purposes an enumeration of articles in such detail as in their judgment may be necessary, comprehending all merchandise imported into the United States, and as a part of the entry there shall be attached thereto or included therein an accurate statement specifying, in terms of such detailed enumeration, the kinds and quantities of all merchandise imported and the value of the total quantity of each kind of article. (Sept. 21, 1922, c. 356, title IV, § 484(e), 42 Stat 960)

§ 5841f-15. Same; subsequent entry of part of merchandise consigned to one consignee; separate entry of packages contained in packages addressed for delivery to other persons—If any of the certificates or documents necessary to make entry of any part of merchandise arriving on one vessel or vehicle and consigned to one consignee have not arrived, such part may be entered subsequently, and notation of the packages or cases to be omitted from the original entry shall be made thereon. One or more packages arriving on one vessel or vehicle addressed for delivery to one person and imported in another package containing packages addressed for delivery to other persons may be separately entered, under such rules and regulations as the Secretary of the Treasury may prescribe. All other merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry (Sept. 21, 1922, c 356, title IV, § 484(f), 42 Stat. 961.)

§ 5841f-16. Same; statement of cost of production from manufacturer or producer—Under such regulations as the Secretary of the Treasury may prescribe, the collector or the appraiser may require a verified statement from the manufacturer or producer showing the cost of production of the imported merchandise, when necessary to the appraisement of such merchandise. (Sept. 21, 1922, c. 356, title IV, § 484(g), 42 Stat 961.)

§ 5841f-17. Declaration by consignee; contents—Declaration.—Every consignee making an entry under the provisions of section 484 of this Act, shall make and file therewith, in a form to be prescribed by the Secretary of the Treasury, a declaration under oath, stating—

(1) Whether the merchandise is imported in pursuance of a purchase or an agreement to purchase, or

whether it is imported otherwise than in pursuance of a purchase or agreement to purchase;

(2) That the prices set forth in the invoice are true, in the case of merchandise purchased or agreed to be purchased or in the case of merchandise secured otherwise than by purchase or agreement to purchase, that the statements in such invoice as to foreign value are true to the best of his knowledge and belief,

(3) That all other statements in the invoice or other documents filed with the entry, or in the entry itself, are true and correct, and

(4) That he will produce at once to the collector any invoice, paper, letter, document, or information received showing that any such prices or statements are not true or correct (Sept 21, 1922, c. 356, title IV, § 485(a), 42 Stat 961)

§ 5841f-18. Same; for books, magazines, etc.—The Secretary of the Treasury is authorized to prescribe regulations for one declaration in the case of books, magazines, newspapers, and periodicals published and imported in successive parts, numbers, or volumes, and entitled to free entry (Sept 21, 1922, c 356, title IV, § 485(b), 42 Stat 961)

§ 5841f-19. Same; bond to produce declaration upon entry made by agent—In the event that an entry is made by an agent under the provisions of section 484 of this Act and such agent is not in possession of such declaration of the consignee, such agent shall give a bond, in a form and of a penal sum prescribed by the Secretary of the Treasury, to produce such declaration (Sept. 21, 1922, c 356, title IV, § 485(c), 42 Stat. 961.)

§ 5841f-20. Same; liability of consignee for additional or increased duties—A consignee shall not be liable for any additional or increased duties if (1) he declares at the time of entry that he is not the actual owner of the merchandise, (2) he furnishes the name and address of such owner, and (3) within ninety days from the date of entry he produces a declaration of such owner conditioned that he will pay all additional and increased duties, under such regulations as the Secretary of the Treasury may prescribe Such owner shall possess all the rights of a consignee (Sept 21, 1922, c. 356, title IV, § 485(d), 42 Stat 961)

§ 5841f-21. Same, separate forms for declaration of merchandise imported under purchase or agreement to purchase and merchandise imported otherwise—The Secretary of the Treasury shall prescribe separate forms for the declaration in the case of merchandise which is imported in pursuance of a purchase or agreement to purchase and merchandise which is imported otherwise than in pursuance of a purchase or agreement to purchase. (Sept. 21, 1922, c. 356, title IV, § 485(e), 42 Stat 961.)

§ 5841f-22. Same; merchandise consigned to deceased, insolvent, partnership, or corporation—Whenever such merchandise is consigned to a deceased person, or to an insolvent person who has assigned the same for the benefit of his creditors, the executor or administrator, or the assignee of such person or receiver or trustee in bankruptcy, shall be considered as the consignee; when consigned to a partnership the declaration of one of the partners only shall be required, and when consigned to a corporation such declaration may be made by any officer of such corporation, or by any other person specifically authorized by the board of directors of such corporation to make the same (Sept. 21, 1922, c. 356, title IV, § 485(f), 42 Stat. 961.)

§ 5841f-23. Bond for production of invoices, declarations, etc., upon entry where no merchandise, or only part thereof, is sent to public stores for inspection, examination or appraisal—Bond.—Upon entry of any merchandise, none of which or a part only of which is sent to the public stores for inspection, examination, or appraisal, the consignee shall give a bond, conditioned that he will produce all invoices, declarations, and other documents or papers required by law or regulations made in pursuance thereof upon the entry of imported merchandise, and that he will comply with all the requirements of the laws or regulations made in pursuance thereof relating to the importation and admission of such merchandise and will return to the collector, when demanded by such collector, not later than ten days after the appraiser's report, such of the merchandise as was not sent to the public stores, and also will return to the collector, on demand by him, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States Such bond shall be given in a form and in a penalty to be prescribed by the Secretary of the Treasury, the penalty thereof to be paid as liquidated damages: Provided, That instead of a bond upon each entry the Secretary of the Treasury may prescribe a bond to be taken from any consignee to cover all importations entered by him within a period of one year from the date thereof (Sept. 21, 1922, c. 356, title IV, § 486, 42 Stat. 962)

§ 5841f-24. Additions to entry; deductions from cost or valuation in invoice—The consignee, or his agent, may, at the time entry is made or at any time before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement, make such additions in the entry to or such deductions from the cost or value given in the invoice as in his opinion may raise or lower the same to the value of such merchandise. (Sept 21, 1922, c. 356, title IV, § 487, 42 Stat. 962)

§ 5841f-25. Appraisal. The collector within whose district any merchandise is entered shall cause such merchandise to be appraised. (Sept 21, 1922, c. 356, title IV, § 488, 42 Stat 962)

§ 5841f-26. Additional duties where merchandise found to be undervalued; remission or refund; fraudulent undervaluation; forfeiture for; assessment of duties upon amount less than entered value—Additional duties—If the final appraised value of any article of imported merchandise which is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the entered value, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per centum of the total final appraised value thereof for each 1 per centum that such final appraised value exceeds the value declared in the entry. Such additional duty shall apply only to the particular article or articles in each invoice that are so advanced in value upon final appraisement and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the final appraised value does not exceed the amount of duty that would be imposed if the final appraised value did not exceed the entered value, and shall be limited to 75 per centum of the final appraised value of such article or articles. Such additional duties shall not be construed to be penal and shall not be remitted nor payment thereof in any way avoided, except in the case of a manifest clerical error, upon the order of the Secretary of the Treasury, or in any case upon the finding of the Board of General Appraisers, upon a petition filed and supported by satisfactory evidence under such rules as the board may prescribe, that the entry of the merchandise at a less value than that returned upon final appraisement was without

any intention to defraud the revenue of the United States or to conceal or misrepresent the facts of the case or to deceive the appraiser as to the value of the merchandise If the appraised value of any merchandise exceeds the value declared in the entry by more than 100 per centum, such entry shall be presumptively fraudulent, and the collector shall seize the whole case or package containing such merchandise and proceed as in case of forfeiture for violation of the customs laws and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he rebuts such presumption of fraud by sufficient evidence

Upon the making of such order or finding, the additional duties shall be remitted or refunded, wholly or in part, and the entry shall be liquidated or reliquidated accordingly Such additional duties shall not be refunded in case of exportation of the merchandise, nor shall they be subject to the benefit of drawback All additional duties, penalties, or forfeitures applicable to merchandise entered in connection with a certified invoice shall be alike applicable to merchandise entered in connection with a seller's or shipper's invoice or statement in the form of an invoice Duties shall not, however, be assessed upon an amount less than the entered value, except in a case where the importer certifies at the time of entry that the entered value is higher than the value as defined in this Act, and that the goods are so entered in order to meet advances by the appraiser in similar cases then pending on appeal for reappraisement or re-reappraisement, and the importer's contention in said pending cases shall subsequently be sustained, wholly or in part, by a final decision on reappraisement or re-reappraisement, and it shall appear that the action of the importer on entry was so taken in good faith, after due diligence and inquiry on his part, and the collector shall liquidate the entry in accordance with the final appraisement (Sept. 21, 1922, c. 356, title IV, § 489, 42 Stat 962)

§ 5841f-27. Incomplete entry; storage of merchandise in bonded warehouse—Incomplete entry.—Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the collector, entry of such merchandise can not be made for want of proper documents or other cause, or whenever the collector believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production. (Sept. 21, 1922, c. 356, title IV, § 490, 42 Stat. 963)

§ 5841f-28. Unclaimed goods; sale; explosive or perishable articles—Unclaimed goods.—If any merchandise of which possession has been taken by the collector shall remain in bonded warehouse or public store for one year without entry thereof having been made and the duties and charges thereon paid, such merchandise shall be appraised by the appraiser of merchandise and sold by the collector at public auction as abandoned to the Government, under such regulations as the Secretary of the Treasury shall prescribe All gunpowder and other explosive substances and merchandise liable to depreciation in value by damage, leakage, or other cause to such extent that the proceeds of sale thereof may be insufficient to pay the duties, storage, and other charges, if permitted to remain in public store or bonded warehouse for a period of one year, may be sold forthwith, under such regulations as the Secretary of the Treasury may prescribe (Sept 21, 1922, c. 356, title IV, § 491, 42 Stat 963)

§ 5841f-29. Destruction of abandoned or forfeited merchandise—Merchandise abandoned or forfeited.—Except as provided in section 3369 of the Revised Statutes, as amended, any merchandise abandoned or forfeited to the Government under the preceding or any other provision of the customs laws which is subject to internal revenue tax and which the collector shall be satisfied will not sell for a sufficient amount to pay such taxes, shall be forthwith destroyed under regulations to be prescribed by the Secretary of the Treasury, instead of being sold at auction (Sept 21, 1922, c 356, title IV, § 492, 42 Stat 963)

§ 5841f-30. Proceeds of sale of unclaimed goods—Proceeds of sale.—The surplus of the proceeds of sale under section 491 of this Act, after the payment of storage charges, expenses, duties, and the satisfaction of any lien for freight, charges, or contribution in general average, shall be deposited by the collector in the Treasury of the United States, if claim therefor shall not be filed with the collector within ten days from the date of sale, and the sale of such merchandise shall exonerate the master of any vessel in which the merchandise was imported from all claims of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any surplus of the proceeds of sale (Sept. 21, 1922, c. 356, title IV, § 493, 42 Stat 964)

§ 5841f-31. Expense of ascertaining weight, quantity, or measure of merchandise—Expense of weighing, and so forth.—In all cases in which the invoice or entry does not state the weight, quantity, or measure of the merchandise, the expense of ascertaining the same shall be collected from the consignee before its release from customs custody. (Sept. 21, 1922, c 356, title IV, § 494, 42 Stat 964)

§ 5841f-32. Partnership bonds—Partnership bond.—When any bond is required by law to be executed by any partnership for any purpose connected with the transaction of business at any customhouse, the execution of such bond by any member of such partnership shall bind the other partners in like manner and to the same extent as if such other partners had personally joined in the execution, and an action or suit may be instituted on such bond against all partners as if all had executed the same (Sept. 21, 1922, c. 356, title IV, § 495, 42 Stat 964.)

§ 5841f-33. Baggage; examination—Examination of baggage.—The collector may cause an examination to be made of the baggage of any person arriving in the United States in order to ascertain what articles are contained therein and whether subject to duty, free of duty, or prohibited notwithstanding a declaration and entry therefor has been made. (Sept. 21, 1922, c. 356, title IV, § 496, 42 Stat. 964)

§ 5841f-34. Same; forfeiture of articles not included in declaration—Forfeiture.—Any article not included in the declaration and entry as made, and, before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article. (Sept. 21, 1922, c. 356, title IV, § 497, 42 Stat. 964.)

§ 5841f-35. Rules and regulations for declaration and entry of merchandise—Entry under regulations—The Secretary of the Treasury is authorized to prescribe rules and regulations for the declaration and entry of—

(1) Merchandise not exceeding $100 in value, including such merchandise imported through the mails;

(2) Merchandise damaged by fire or marine casualty on the voyage of importation,

(3) Merchandise recovered from a wrecked or stranded vessel,

(4) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale,

(5) Articles sent by persons in foreign countries as gifts to persons in the United States;

(6) Articles carried on the person or contained in the baggage of a person arriving in the United States,

(7) Tools of trade of a person arriving in the United States;

(8) Personal effects of citizens of the United States who have died in a foreign country,

(9) Merchandise within the provisions of sections 465 and 466 of this Act at the first port of arrival,

(10) Merchandise when in the opinion of the Secretary of the Treasury the value thereof can not be declared, and

(11) Merchandise within the provisions of the Act entitled "An Act to expedite the delivery of imported parcels and packages, not exceeding $500 in value," approved June 8, 1896. (Sept 21, 1922, c 356, title IV, § 498(a), 42 Stat 964)

§ 5841f-36. Same—The Secretary of the Treasury is authorized to include in such rules and regulations any of the provisions of section 484 or 485 of this Act (Sept 21, 1922, c. 356, title IV, § 498(b), 42 Stat 965)

§ 5841f-37. Inspection, examination, or appraisal of merchandise; packages or quantities to be opened and examined; seizure of articles not specified in invoice—Examination of merchandise.—Imported merchandise, required by law or regulations made in pursuance thereof to be inspected, examined, or appraised, shall not be delivered from customs custody, except as otherwise provided in this Act, until it has been inspected, examined, or appraised and is reported by the appraiser to have been truly and correctly invoiced and found to comply with the requirements of the laws of the United States The collector shall designate the packages or quantities covered by any invoice or entry which are to be opened and examined for the purpose of appraisement or otherwise and shall order such packages or quantities to be sent to the public stores or other places for such purpose. Not less than one package of every invoice and not less than one package of every ten packages of merchandise, shall be so designated unless the Secretary of the Treasury, from the character and description of the merchandise, is of the opinion that the examination of a less proportion of packages will amply protect the revenue and by special regulation permit a less number of packages to be examined The collector or the appraiser may require such additional packages or quantities as either of them may deem necessary. If any package is found by the appraiser to contain any article not specified in the invoice and he reports to the collector that in his opinion such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be liable to seizure, but if the appraiser reports that no such fraudulent intent is apparent then the value of said article shall be added to the entry and the duties thereon paid accordingly If a deficiency is found in quantity, weight, or measure in the examination of any package, report thereof shall be made to the collector, who shall make allowance therefor in the liquidation of duties. (Sept 21, 1922, c 356, title IV § 499, 42 Stat 965)

§ 5841f-38. Duties of appraisers—Duties of the appraiser assistant appraiser, and examiner—It shall be the duty of the appraiser under such rules and regulations as the Secretary of the Treasury may prescribe—

(1) To appraise the merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power any statement of cost or cost of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding,

(2) To ascertain the number of yards, parcels, or quantities of the merchandise ordered or designated for examination,

(3) To ascertain whether the merchandise has been truly and correctly invoiced,

(4) To describe the merchandise in order that the collector may determine the dutiable classification thereof, and

(5) To report his decisions to the collector (Sept 21, 1922, c 356, title IV, § 500(a), 42 Stat 965)

§ 5841f-39. Same; review and correction of reports of assistant appraisers—At ports where there are assistant appraisers provided for by law the appraiser shall have power to review and to revise and correct the reports of such assistant appraisers (Sept 21, 1922, c 356, title IV, § 500(b), 42 Stat 965

§ 5841f-40. Duties of assistant appraisers—It shall be the duty of an assistant appraiser—

(1) To examine and inspect such merchandise as the appraiser may direct, and to report to him the value thereof;

(2) To revise and correct the reports and to supervise and direct the work of such examiners and other employees as the appraiser may designate, and

(3) To assist the appraiser, under such regulations as the Secretary of the Treasury or the appraiser may prescribe (Sept 21, 1922, c 356, title IV, § 500(c), 42 Stat 965)

§ 5841f-41. Same; duties of examiners—It shall be the duty of an examiner to examine and inspect the merchandise and report the value and such other facts as the appraiser may require in his appraisement or report, and to perform such other duties as may be prescribed by rules and regulations of the Secretary of the Treasury or the appraiser (Sept. 21. 1922, c 356, title IV, § 500(d), 42 Stat 966.)

§ 5841f-42. Acting appraisers—The Secretary of the Treasury is authorized to designate an officer of the customs as acting appraiser at a port where there is no appraiser. Such acting appraiser shall take the oath, perform all the duties, and possess all the powers of an appraiser. (Sept. 21, 1922, c 356, title IV, § 500(e), 42 Stat 966)

§ 5841f-43. Appeal for reappraisement to Board of General Appraisers—Reappraisement—The decision of the appraiser shall be final and conclusive upon all parties unless a written appeal for a reappraisement is filed with or mailed to the Board of General Appraisers by the collector within sixty days after the date of the appraiser's report, or filed by the consignee, or his agent, with the collector within ten days after the date of personal delivery or if mailed the date of mailing of written notice of appraisement to the consignee, his agent, or his attorney. No such appeal filed by the consignee, or

his agent, shall be deemed valid, unless he has complied with all the provisions of this Act relating to the entry and appraisement of such merchandise. Every such appeal shall be transmitted with the entry and the accompanying papers by the collector to the Board of General Appraisers and shall be assigned to one of the general appraisers, who shall ascertain and return the value of the merchandise and shall give reasonable notice to the importer and to the person designated to represent the Government in such proceedings of the time and place of the hearing, at which the parties and their attorneys shall have an opportunity to introduce evidence and to hear and cross-examine the witnesses of the other party and to inspect all samples and all papers admitted or offered as evidence. In finding such value affidavits of persons whose attendance can not reasonably be had, price lists, catalogues, reports or depositions of consuls, special agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be considered Copies of official documents when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents

The decision of the general appraiser, after argument on the part of the interested parties if requested by them or by either of them, shall be final and conclusive upon all parties unless within ten days from the date of the filing of the decision with the collector an application for its review shall be filed with or mailed to said board by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forthwith forwarded to the Board of General Appraisers Every such application shall be assigned by the Board of General Appraisers to a board of three general appraisers, who shall consider the case upon the samples of the merchandise, if there be any, and the record made before the general appraiser, and, after argument on the part of the parties if requested by them or either of them, shall affirm, reverse, or modify the decision of the general appraiser or remand the case to the general appraiser for further proceedings, and shall state its action in a written decision, to be forwarded to the collector, setting forth the facts upon which the finding is based and the reasons therefor. The decision of the Board of General Appraisers shall be final and conclusive upon all parties unless an appeal shall be taken by either party to the Court of Customs Appeals upon a question or questions of law only within the time and in the manner provided by section 198 of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. (Sept. 21, 1922, c. 356, title IV, § 501, 42 Stat. 966.)

§ 5841f-44. Regulations for appraisal, and classification and assessment of duties; control of appraisers, etc.—Regulations for appraisement and classification.—The Secretary of the Treasury shall establish and promulgate such rules and regulations not inconsistent with the law, and may disseminate such information as may be necessary to secure a just, impartial, and uniform appraisement of imported merchandise and the classification and assessment of duties thereon at the various ports of entry, and may direct any appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise to go from one port of entry to another for the purpose of appraising or assisting in appraising merchandise imported at such port. (Sept. 21, 1922, c. 356, title IV, § 502(a), 42 Stat. 967.)

§ 5841f-45. Reversal or modification of rulings or decisions of Secretary of Treasury—No ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney General recommending the same, or a final decision of the Board of General Appraisers. (Sept 21, 1922, c. 356, title IV, § 502(b), 42 Stat. 967)

§ 5841f-46. Execution of instructions of Secretary of Treasury; decisions of Secretary as to construction and meaning of revenue laws—It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws, and in case any difficulty arises as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary shall be binding upon all officers of the customs. (Sept 21, 1922, c. 356, title IV, § 502(c), 42 Stat. 967.)

§ 5841f-47. Assessment of ad valorem duties or duties based upon or regulated by value; additional duties on coverings or containers—Dutiable value—Whenever imported merchandise is subject to an ad valorem rate of duty or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the value returned by the appraiser, general appraiser, or Board of General Appraisers, as the case may be. If there shall be used for covering or holding imported merchandise, whether dutiable or free of duty, any unusual material, article, or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duties shall be levied upon such material, article, or form at the rate or rates to which the same would be subjected if separately imported (Sept. 21, 1922, c. 356, title IV, § 503, 42 Stat 967)

§ 5841f-48. Deposit by consignee of amount of estimated duty; ascertaining, fixing, and liquidating rate and amount of duties—Payment of duties—The consignee shall deposit with the collector, at the time of making entry, unless the merchandise is entered for warehouse or transportation, or under bond, the amount of duty estimated to be payable thereon Upon receipt of the appraiser's report and of the various reports of landing, weight, gauge, or measurement, the collector shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise as provided by law and shall give notice of such liquidation in the form and manner prescribed by the Secretary of the Treasury, and collect any increased or additional duties due or refund any excess of duties deposited as determined on such liquidation. (Sept. 21, 1922, c. 356, title IV, § 504, 42 Stat. 967.)

§ 5841f-49. Allowances on abandonment by importer, and for decay of or injury to perishable merchandise—Abandonment and damage—Allowance shall be made in the estimation and liquidation of duties under regulations prescribed by the Secretary of the Treasury in the following cases

(1) Where the importer abandons, within ten days after entry, to the United States all or any portion amounting to 10 per centum or more of the total value or quantity of merchandise in any invoice, and delivers the portion so abandoned to such place as the collector directs unless the collector is satisfied that it is so far destroyed as to be nondeliverable;

(2) Where, at the time of importation, 5 per centum or more of the total value or quantity of fruit or other perishable merchandise in any invoice is decayed or

injured so that its commercial value has been destroyed;

(3) Where fruit or other perishable merchandise has been condemned at the port of entry, within ten days after landing, by the health officers or other legally constituted authorities, and the consignee, within five days after such condemnation, files with the collector written notice thereof, an invoiced description and the location thereof, and the name of the vessel or vehicle in which imported. (Sept. 21, 1922, c 356, title IV, § 505, 42 Stat 967)

§ 5841f-50. Tare, draft, or other impurities—Tare and draft—The Secretary of the Treasury is hereby authorized to prescribe and issue regulations for the ascertainment of tare upon imported merchandise, including the establishment of reasonable and just schedule tares therefor, but in no case shall there be any allowance for draft or for impurities, other than excessive moisture and impurities not usually found in or upon such or similar merchandise (Sept. 21, 1922, c 356, title IV, § 506, 42 Stat. 968)

§ 5841f-51. Rate of duty on commingled merchandise free of duty and dutiable merchandise—Commingling of goods—Whenever dutiable merchandise and merchandise which is free of duty or merchandise subject to different rates of duty are so packed together or mingled that the quantity or value of each class of such merchandise can not be readily ascertained by the customs officers, the whole of such merchandise shall be subject to the highest rate of duty applicable to any part thereof unless the importer or consignee shall segregate such merchandise at his own risk and expense under customs supervision within ten days after entry thereof, in order that the quantity and value of each part or class thereof may be ascertained (Sept 21, 1922, c 356, title IV, § 507, 42 Stat. 968)

§ 5841f-52. Examination of importers, consignees, agents, etc.; production of documents—Examination of importer and others—Collectors, appraisers, general appraisers and boards of general appraisers may cite to appear before them or any of them and to examine upon oath, which said officers or any of them are hereby authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they, or any of them, may deem material respecting any imported merchandise then under consideration or previously imported within one year, in ascertaining the classification or the value thereof or the rate or amount of duty; and they, or any of them, may require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed and preserved, under such rules as the Board of General Appraisers may prescribe, and such evidence may be given consideration in all subsequent proceedings relating to such merchandise. (Sept. 21, 1922, c. 356, title IV, § 508, 42 Stat 968.)

§ 5841f-53. Failure to submit to examination or produce documents; penalty; conclusiveness of appraisement; false-swearing—Penalties.—If any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser, or a collector, he shall be liable to a penalty of not less than $20 nor more than $500; and if such person be the owner, importer, or consignee, the appraisement last made of such merchandise, whether made by an appraiser, a general appraiser, or a board of general appraisers, shall be final and conclusive against such person, and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser or collector, shall be deemed guilty of perjury, and if he is the owner, importer, or consignee the merchandise shall be forfeited or the value thereof may be recovered from him (Sept. 21, 1922, c 356, title IV, § 509, 42 Stat 968)

§ 5841f-54. Inspection of exporter's books; failure to permit; prohibiting importation; withholding delivery of merchandise imported; sale of merchandise imported—Inspection of exporter's books—If any person manufacturing, producing, selling, shipping or consigning merchandise exported to the United States fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence pertaining to the market value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him (1) shall prohibit the importation into the United States of merchandise manufactured, produced sold, shipped or consigned by such person, and (2) may instruct the collectors to withhold delivery of merchandise manufactured, produced, sold, shipped or consigned by such person If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise. (Sept 21, 1922, c 356, title IV, § 510, 42 Stat 968)

§ 5841f-55. Inspection of importer's books; prohibiting importation of merchandise; withholding delivery of merchandise; sale of merchandise imported—Inspection of importer's books.—If any person importing merchandise into the United States or dealing in imported merchandise fails, at the request of the Secretary of the Treasury, or an appraiser, or person acting as appraiser, or a collector, or a general appraiser, or the Board of General Appraisers, as the case may be, to permit a duly accredited officer of the United States to inspect his books, papers, records, accounts, documents, or correspondence, pertaining to the value or classification of such merchandise, then while such failure continues the Secretary of the Treasury, under regulations prescribed by him, (1) shall prohibit the importation of merchandise into the United States by or for the account of such person, and (2) shall instruct the collectors to withhold delivery of merchandise imported by or for the account of such person. If such failure continues for a period of one year from the date of such instructions the collector shall cause the merchandise, unless previously exported, to be sold at public auction as in the case of forfeited merchandise. (Sept. 21, 1922, c. 356, title IV, § 511, 42 Stat. 969.)

§ 5841f-56. Deposit of moneys paid for unascertained duties or for duties paid under protest—Deposit of duties.—All moneys paid to any collector for unascertained duties or for duties paid under protest against the rate or amount of duties charged shall be deposited to the credit of the Treasurer of the United States and shall not be held by the collectors to await any ascertainment of duties or the result of any litigation in relation to the rate or amount of duties legally chargeable and collectible in any case where money is so paid. (Sept. 21, 1922, c. 356, title IV, § 512, 42 Stat. 969.)

§ 5841f-57. Immunity of customs officers from liability—Collector's immunity—No collector or other customs officer shall be in any way liable to any owner, importer, consignee, or agent or any other person for or on account of any rulings or decisions as to the appraisement or the classification of any imported merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent might under this Act be entitled to protest or appeal from the decision of such collector or other officer. (Sept. 21, 1922, c. 356, title IV, § 513, 42 Stat. 969.)

§ 5841f-58. Protests; necessity for; time for filing; contents; amendment—Protest—All decisions of the collector, including the legality of all orders and findings entering into the same, as to the rate and amount of duties chargeable, and as to all exactions of whatever character (within the jurisdiction of the Secretary of the Treasury), and his decisions excluding any merchandise from entry or delivery, under any provision of the customs revenue laws, and his liquidation of any entry, or refusal to pay any claim for drawback, or his refusal to reliquidate any entry for a clerical error discovered within one year after the date of entry, or within sixty days after liquidation when liquidation is made more than ten months after the date of entry, shall be final and conclusive upon all persons, unless the importer consignee, or agent of the person paying such charge or exaction, or filing such claim for drawback, or seeking such entry or delivery shall, within sixty days after, but not before such liquidation or decision, as well in cases of merchandise entered in bond as for consumption, file a protest in writing with the collector setting forth distinctly and specifically, and in respect to each entry, payment, claim, or decision, the reasons for the objection thereto, and if the merchandise is entered for consumption shall pay the full amount of duties, charges, and exactions ascertained to be due thereon Under such rules as the Board of General Appraisers may prescribe, and in its discretion, a protest may be amended at any time prior to the first docket call thereof (Sept. 21, 1922, c. 356, title IV, § 514, 42 Stat 969)

§ 5841f-59. Same; review of decision by collector; refunds; finality of determination on protest—Same.—Upon the filing of such protest and payment of duties and other charges the collector shall within sixty days thereafter review his decision, and may modify the same in whole or in part and thereafter refund any duties, charge, or exaction found to have been collected in excess, or pay any drawback found due, of which notice shall be given as in the case of the original liquidation, and against which protest may be filed within the same time and in the same manner and under the same conditions as against the original liquidation or decision. If the collector shall, upon such review, affirm his original decision, or, upon the filing of a protest against his modification of any decision, the collector shall forthwith transmit the entry and the accompanying papers, and all the exhibits connected therewith, to the Board of General Appraisers for due assignment and determination, as provided by law Such determination shall be final and conclusive upon all persons, and the papers transmitted shall be returned, with the decision and judgment order thereon, to the collector, who shall take action accordingly, except in cases in which an appeal shall be filed in the United States Court of Customs Appeals within the time and in the manner provided by law (Sept. 21, 1922, c. 356, title IV, § 515, 42 Stat. 970.)

§ 5841f-60. Complaint by American manufacturer, producer, or wholesaler as to appraised value of imported merchandise; procedure thereon; appeal for reappraisement by Secretary of Treasury, consignee, or American manufacturer, etc.—Appeal or protest by American producers—Whenever an American manufacturer, producer, or wholesaler believes that the appraised value of any imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him is too low, he may file with the Secretary of the Treasury a complaint setting forth the value at which he believes the merchandise should be appraised and the facts upon which he bases his belief The Secretary shall thereupon transmit a copy of such complaint to the appraiser at each port of entry where the merchandise is usually imported Until otherwise directed by the Secretary, the appraiser shall report each subsequent importation of the merchandise giving the entry number, the name of the importer, the appraised value, and his reasons for the appraisement If the Secretary does not agree with the action of the appraiser, he shall instruct the collector to file an appeal for a reappraisement as provided in section 501 of this Act, and such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest under such rules as the Board of General Appraisers may prescribe The Secretary shall notify such manufacturer, producer, or wholesaler of the action taken by such appraiser giving the port of entry, the entry number, and the appraised value of such merchandise and the action he has taken thereon If the appraiser advances the entered value of merchandise upon the information furnished by the American manufacturer, producer, or wholesaler, and an appeal is taken by the consignee, such manufacturer, producer, or wholesaler shall have the right to appear and to be heard as a party in interest, under such rules as the Board of General Appraisers may prescribe. If the American manufacturer, producer, or wholesaler is not satisfied with the action of the Secretary, or the action of the appraiser thereon, he may file, within ten days after the date of the mailing of the Secretary's notice, an appeal for a reappraisement in the same manner and with the same effect as an appeal by a consignee under the provisions of section 501 of this Act. (Sept 21, 1922, c. 356, title IV, § 516(a), 42 Stat. 970)

§ 5841f-61. Complaint by American manufacturer, producer, or wholesaler as to classification of and rate of duty imposed upon imported merchandise; procedure thereon; protest by American manufacturer, etc.—The Secretary of the Treasury shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification of and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the proper rate of duty is not being assessed, he may file a complaint with the Secretary of the Treasury setting forth a description of the merchandise, the classification, and the rate or rates of duty he believes proper, and the reasons for his belief. If the Secretary believes that the classification of or rate of duty assessed upon the merchandise is not correct, he shall notify the collectors as to the proper classification and rate of duty and shall so inform such manufacturer, producer, or wholesaler, and such rate of duty shall be assessed upon all merchandise imported or withdrawn from warehouse after thirty days after the date of such notice to the collectors. If the Secretary believes that the classification and rate of duty are correct, he shall so inform such manufacturer, producer, or wholesaler If dissatisfied with the action

of the Secretary, such manufacturer, producer, or wholesaler may file with him a notice that he desires to protest the classification or the rate of duty imposed upon the merchandise, and upon receipt of such notice the Secretary shall furnish him with such information as to the entry, the consignee, and the port of entry as will enable him to protest the classification of or the rate of duty imposed upon the merchandise when liquidated at any port of entry. Upon written request therefor by such manufacturer, producer, or wholesaler, the collector of such port of entry shall notify him immediately of the date of liquidation Such manufacturer, producer, or wholesaler may file, within sixty days after the date of liquidation, with the collector of such port a protest in writing setting forth a description of the merchandise and the classification and the rate of duty he believes proper, with the same effect as a protest of a consignee filed under the provisions of sections 514 and 515 of this Act (Sept. 21, 1922, c 356, title IV, § 516(b), 42 Stat 971)

§ 5841f-62. Copies of appeals and protests filed by American manufacturer, etc., for consignee; appearance by consignee before Board of General Appraisers; appeal from Board to Court of Customs Appeals—A copy of every appeal and every protest filed by an American manufacturer, producer, or wholesaler under the provisions of this section shall be mailed by the collector to the consignee or his agent within five days after the filing thereof, and such consignee or his agent shall have the right to appear and to be heard as a party in interest before the Board of General Appraisers The collector shall transmit the entry and all papers and exhibits accompanying or connected therewith to the Board of General Appraisers for due assignment and determination of the proper value or of the proper classification and rate of duty. The decision of the Board of General Appraisers upon any such appeal or protest shall be final and conclusive upon all parties unless an appeal is taken by either party to the Court of Customs Appeals, as provided in sections 501 and 515 of this Act (Sept. 21, 1922, c. 356, title IV, § 516(c), 42 Stat. 971)

§ 5841f-63. Inspection of documents, etc., of consignee by American manufacturer, etc.—In proceedings instituted under the provisions of this section an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the general appraiser or the Board of General Appraisers shall deem unnecessary or improper to be disclosed to him. (Sept 21, 1922, c. 356, title IV, § 516(d), 42 Stat. 971.)

§ 5841f-64. Frivolous appeals or protests; penalty—Frivolous protest or appeal.—Upon motion of the counsel for the Government, it shall be the duty of the Board of General Appraisers to decide whether any appeal for reappraisement or protest filed under the provisions of section 501, 514, 515, or 516 of this Act is frivolous, and if said board shall so decide, a penalty of not less than $5 nor more than $250 shall be assessed against the person filing such appeal for reappraisement or protest: Provided, That all appeals for reappraisement or protests filed by the same person and raising the same issue shall, if held frivolous by said board, be consolidated and deemed one proceeding for the purpose of imposing the penalty provided in this section: Provided further, That the person against whom such penalty is assessed may have a review by the Court of Customs Appeals of the decision of said board by filing an appeal in said court within the time and in the manner provided by section 198 of an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. (Sept. 21, 1922, c. 356, title IV, § 517, 42 Stat. 971)

§ 5841f-65. Board of General Appraisers; members; vacancies; salaries; removal; office; powers of Board and members thereof; president; expenses; retirement—Board of General Appraisers—The Board of General Appraisers shall consist of nine members as now constituted, and all vacancies in said board shall be filled by appointment by the President, by and with the advice and consent of the Senate, not more than five of whom shall be appointed from the same political party and each of whom shall receive a salary of $9,000 a year They shall not engage in any other business, vocation, or employment, and shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes and no other. Neglect of duty, malfeasance in office, or inefficiency The office of said board shall be at the port of New York, and the board and each member thereof shall have and possess all the powers of a district court of the United States for preserving order compelling the attendance of witnesses, the production of evidence, and in punishing for contempt. Said board shall have power to establish from time to time such rules of evidence, practice, and procedure not inconsistent with law, as may be deemed necessary for the conduct of its proceedings, in securing uniformity in its decisions and in the proceedings and decisions of the members thereof, and for the production, care, and custody of samples and of the records of said board One of the members of said board designated for that purpose by the President of the United States shall act as president of the Board of General Appraisers, and in his absence the member of the board then present who is senior as to the date of his commission shall act as president The president of the board, or the acting president in his absence, shall have control of the fiscal affairs and of the clerical force of the board, making all recommendations for appointment, promotions, or otherwise affecting such clerical force; he may at any time before trial, under the rules of the said board, assign or reassign any case for hearing or determination, or both, and shall designate a general appraiser or board of three general appraisers and such clerical assistants as may be necessary to proceed to any port within the jurisdiction of the United States for the purpose of hearing or of hearing and determining cases assigned for hearing at such port, and shall cause to be prepared and promulgated dockets therefor General appraisers, stenographic clerks, and Government counsel shall each be allowed and paid his necessary expenses of travel and his reasonable expenses, not to exceed $10 per day, in the case of general appraisers and Government counsel, and $8 per day in the case of stenographic clerks, actually incurred for maintenance while absent from New York on official business. Said general appraisers shall be divided into three boards of three members each for the purpose of hearing and deciding appeals for the review of reappraisements of merchandise, and of hearing and deciding protests against decisions of collectors A board of three general appraisers or a general appraiser shall have power to order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States The president of the board shall assign three of the general appraisers to each of the said boards and shall designate which member shall be chairman thereof. The president of the board shall be competent to sit as a member of any board or to assign one or two other members to any of such boards in the absence or disability of any one or two members of such board. A majority of any board shall have full

power to hear and decide all cases and questions arising therein or assigned thereto The board of three general appraisers deciding a case or a general appraiser deciding an appeal for a reappraisement may, upon the motion of either party made within thirty days next after such decision, grant a rehearing or retrial of said case when, in the opinion of said board or said general appraiser the ends of justice so require.

The members of the Board of General Appraisers are hereby exempted from so much of section 1790 of the Revised Statutes as relates to their salaries

When any of the general appraisers of merchandise resigns his office, having held his commission as such at least ten years, and having attained the age of seventy years, he shall during the residue of his natural life receive the same salary which was by law payable to him at the time of his resignation (Sept 21, 1922, c 356, title IV, § 518, 42 Stat 972)

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan 22, 1925, c 87, title I, 43 Stat 769, contains the following provision

"For collecting the revenue from customs, and for the detection and prevention of frauds upon the customs revenue, including not to exceed $15,000 for the hire of motor-propelled passenger-carrying vehicles, * * of which such amount as may be necessary shall be available for salaries of general appraisers retired under the provisions of section 518 of the Tariff Act of 1922, and $62,480 shall be available for personal services in the District of Columbia exclusive of eight persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1922"

§ 5841f-66. Decisions of general appraisers; filing; inspection; copies for collectors and Secretary of Treasury; publication—Record of decisions.—All decisions of the general appraisers shall be preserved and filed and shall be open to inspection, and it shall be the duty of the said Board of General Appraisers to forward a copy of each decision to the collector of customs for the district in which the merchandise affected thereby was imported and to forward an additional copy to the Secretary of the Treasury, who shall cause such decisions as he or the Board of General Appraisers shall deem sufficiently important to be published in full, or, if they shall not deem a full publication thereof necessary, then the board shall cause abstracts of such decisions to be made for publication, and such decisions and abstracts thereof shall be published from time to time and at least once each week for the information of customs officers and the public. (Sept. 21, 1922, c. 356, title IV, § 519, 42 Stat. 973.)

§ 5841f-67. Refund of duties and correction of errors in liquidation; when authorized—Refund of excessive duties.—The Secretary of the Treasury is hereby authorized to refund duties and correct errors in liquidation of entries in the following cases

(1) Whenever it is ascertained on final liquidation or reliquidation of an entry that more money has been deposited or paid than was required by law to be so deposited or paid;

(2) Whenever it is determined in the manner required by law that any fees, charges, or exactions, other than duties, have been erroneously collected;

(3) Whenever a manifest clerical error is discovered in any entry or liquidation within one year after the date of entry, or within sixty days after liquidation when liquidation is made more than ten months after the date of entry; and

(4) Whenever duties have been paid on household or personal effects which by law were not subject to duty, notwithstanding a protest was not filed within the time and in the manner prescribed by law. (Sept. 21, 1922, c. 356, title IV, § 520(a), 42 Stat. 973.)

§ 5841f-68. Same; appropriation for—The necessary moneys to make such refunds are hereby appropriated, and this appropriation shall be deemed a permanent and indefinite appropriation. (Sept 21, 1922, c 356, title IV, § 520(b), 42 Stat 973)

§ 5841f-69. Reliquidation of duties; conclusiveness—Reliquidation of duties—Whenever any merchandise has been entered and passed free of duty, and whenever duties upon any imported merchandise have been liquidated and paid, and the merchandise has been delivered to the consignee, or his agent, such entry and passage free of duty and such settlement of duties, shall, after the expiration of one year from the date of entry, or after the expiration of sixty days after the date of liquidation when liquidation is made more than ten months after the date of entry, in the absence of fraud and in the absence of protest by the consignee, or his agent, or by an American manufacturer, producer, or wholesaler, be final and conclusive upon all parties. If the collector finds probable cause to believe there is fraud in the case, he may reliquidate within two years after the date of entry, or after the date of liquidation when liquidation is made more than ten months after the date of entry. (Sept 21, 1922, c 356, title IV, § 521, 42 Stat. 973)

§ 5841f—69½. Remission of unpaid duties on material imported by War Department belonging to United States—The Secretary of the Treasury is authorized and directed to remit all unpaid customs duties on material belonging to the United States and heretofore imported into the United States by the War Department (June 7, 1924, c. 357, 43 Stat 660.)

This section is an act entitled "An act directing the remission of customs duties on certain property of the United States imported by the War Department," cited above

§ 5841f-70. Valuation of foreign currency; as proclaimed under Act Aug. 27, 1894, c. 349, § 25—For the purpose of the assessment and collection of duties upon merchandise imported into the United States on or after the day of the enactment of this Act, wherever it is necessary to convert foreign currency into currency of the United States, such conversion, except as provided in subdivision (c), shall be made at the values proclaimed by the Secretary of the Treasury under the provisions of section 25 of such Act of August 27, 1894, as amended, for the quarter in which the merchandise was exported (Sept 21, 1922, c. 356, title IV, § 522(b), 42 Stat. 974)

Subsection (a) of this section amends Act Aug 27, 1894, c. 349, § 25, post, § 6536.

§ 5841f-71. Same; where value not proclaimed—If no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate. For the purposes of this subdivision such buying rate shall be the buying rate for cable transfers payable in the foreign currency so to be converted; and shall be determined by the Federal Reserve Bank of New York and certified daily to the Secretary of the Treasury, who shall make it public at such times and to such extent as he deems necessary. In ascertaining such buying rate such Federal Reserve bank may in its discretion (1) take into consideration the last ascertainable transactions and quotations, whether direct or through the exchange of other currencies, and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange. (Sept. 21, 1922, c. 356, title IV, § 522(c), 42 Stat. 974.)

§ 5841f-72. Comptrollers of customs; powers and duties—Comptrollers of customs.—Naval officers

of customs now in office and their successors shall hereafter be known as Comptrollers of Customs

Comptrollers of Customs shall examine the collector's accounts of receipts and disbursements of money and receipts and disposition of merchandise and certify the same to the Secretary of Treasury for transmission to the General Accounting Office They shall perform such other duties as the Secretary of the Treasury may from time to time prescribe, and their administrative examination shall extend to all customs districts assigned to them by the Secretary of the Treasury

Comptrollers of Customs shall verify all assessments of duties and allowances of drawbacks made by collectors in connection with the liquidation thereof In cases of disagreement between a collector and a comptroller of customs, the latter shall report the facts to the Secretary of the Treasury for instructions

This section shall not be construed to affect the manner of appointment, the terms of office, or the compensation of any such officer as now provided by law, nor to affect the provisions of the Budget and Accounting Act, 1921, approved June 10, 1921. (Sept. 21, 1922, c 356, title IV, § 523, 42 Stat. 974)

§ 5841f-73. Receipts from reimbursable charges for labor, services, etc., connected with customs—Receipts from reimbursable charges for labor, services, and other expenses, connected with the customs, shall be deposited as a refund to the appropriation from which paid, instead of being covered into the Treasury as miscellaneous receipts as provided by the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907. (Sept 21, 1922, c. 356, title IV, § 524, 42 Stat 975)

§ 5841f-74. Detail from field force of customs service—In connection with the enforcement of this Act, the Secretary of the Treasury is authorized to use in the District of Columbia not to exceed eight persons detailed from the field force of the Customs Service and paid from the appropriation for the expense of collecting the revenue from customs. (Sept. 21, 1922, c. 356, title IV, § 525, 42 Stat. 975)

See note to § 5841f-65, ante

§ 5841f-75. Importation of merchandise of foreign manufacture bearing trade-marks owned by citizens; prohibited, when—That it shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade-mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended, if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 27 of such Act, and unless written consent of the owner of such trade-mark is produced at the time of making entry. (Sept 21, 1922, c. 356, title IV, § 526(a), 42 Stat. 975.)

§ 5841f-76. Same; seizure and forfeiture of merchandise—Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws. (Sept. 21, 1922, c. 356, title IV, § 526(b), 42 Stat. 975.)

§ 5841f-77. Same; restraining dealing in or requiring reexport or destruction of merchandise, or obliteration or removal of trade-mark; damages and profits—Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade-mark and shall be liable for the same damages and profits provided for wrongful use of a trade-mark, under the provisions of such Act of February 20, 1905, as amended (Sept. 21, 1922, c. 356, title IV, § 526(c), 42 Stat 975.)

PART 4—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

§ 5841g. Carriers of bonded merchandise; designation; bond—Carrier—Any common carrier of merchandise owning or operating railroad, steamship, or other transportation lines or routes for the transportation of merchandise in the United States, upon application and the filing of a bond in a form and penalty and with such sureties as may be approved by the Secretary of the Treasury, may be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. (Sept 21, 1922, c. 356, title IV, § 551, 42 Stat. 975.)

§ 5841g-1. Merchandise which may be transported in bond to port of destination—Immediate transportation—Any merchandise, other than explosives and merchandise the importation of which is prohibited, arriving at a port of entry in the United States may be entered, under such rules and regulations as the Secretary of the Treasury may prescribe, for transportation in bond without appraisement to any other port of entry designated by the consignee, or his agent, and by such bonded carrier as he designates, there to be entered in accordance with the provisions of this Act. (Sept 21, 1922, c. 356, title IV, § 552, 42 Stat 975.)

§ 5841g-2. Merchandise and baggage which may be transported in bond for exportation; regulations—Transit goods.—Any merchandise, other than explosives and merchandise the importation of which is prohibited, shown by the manifest, bill of lading, shipping receipt, or other document to be destined to a foreign country, may be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duties and exported under such regulations as the Secretary of the Treasury shall prescribe, and any baggage or personal effects not containing merchandise the importation of which is prohibited arriving in the United States destined to a foreign country may, upon the request of the owner or carrier having the same in possession for transportation, be entered for transportation in bond through the United States by a bonded carrier without appraisement or the payment of duty, under such regulations as the Secretary of the Treasury may prescribe. (Sept. 21, 1922, c. 356, title IV, § 553, 42 Stat. 976.)

§ 5841g-3. Transportation through contiguous countries—Transportation through contiguous countries.—With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of section 4347 of the Revised Statutes, as amended, section 27 of the Merchant Marine Act, 1920, or section 588 of this Act. (Sept. 21, 1922, c. 356, title IV, § 554, 42 Stat. 976.)

§ 5841g-4. Bonded warehouses; designation; private bonded warehouses; public bonded warehouses; bonds of owners; use of warehouses; customs officer in charge of—Bonded warehouses—Buildings or parts of buildings and other inclosures may be designated by the Secretary of the Treasury as bonded warehouses for the storage of imported merchandise entered for warehousing, or taken possession of by the collector, or under seizure, or for the manufacture of merchandise in bond, or for the repacking, sorting, or cleaning of imported merchandise Such warehouses may be bonded for the storing of such merchandise only as shall belong or be consigned to the owners or proprietors thereof and be known as private bonded warehouses, or for the storage of imported merchandise generally and be known as public bonded warehouses Before any imported merchandise not finally released from customs custody shall be stored in any such premises, the owner or lessee thereof shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse Except as otherwise provided in this Act, bonded warehouses shall be used solely for the storage of imported merchandise and shall be placed in charge of a proper officer of the customs, who, together with the proprietor thereof, shall have joint custody of all merchandise stored in the warehouse, and all labor on the merchandise so stored shall be performed by the owner or proprietor of the warehouse, under supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor The compensation of such officer of the customs and other customs employees appointed to supervise the receipt of merchandise into any such warehouse and deliveries therefrom shall be reimbursed to the Government by the proprietor of such warehouse. (Sept 21, 1922, c 356, title IV, § 555, 42 Stat 976)

§ 5841g-5. Same; regulations by Secretary of Treasury; landing certificates—Bonded warehouses and exportations therefrom—The Secretary of the Treasury shall from time to time establish such rules and regulations as may be necessary for the establishment of bonded warehouses and to protect the interests of the Government in the conduct, management, and operation of such warehouses and in the withdrawal of and accounting for merchandise deposited therein: Provided, That no landing certificate shall be required for merchandise exported from the United States, except where the Secretary of the Treasury shall have good reason to believe that such certificate is necessary for the protection of the revenue, and shall specifically order the production of such certificate. (Sept 21, 1922, c. 356, title IV, § 556, 42 Stat 976.)

§ 5841g-6. Same; merchandise which may be deposited in; withdrawal; destruction of merchandise at request of consignee—Storable goods—Warehouse period—Drawback.—Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than firecrackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal; or may be withdrawn for exportation or for transportation and exportation without the payment of duties thereon, or for transportation and rewarehousing at another port: Provided, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years Merchandise upon which the duties have been paid and which shall have remained continuously in bonded warehouse or otherwise in the custody and under the control of customs officers, may be entered or withdrawn at any time within three years after the date of importation for exportation, or for transportation and exportation, under such regulations as the Secretary of the Treasury shall prescribe, and upon such entry or withdrawal, 99 per centum of the duties thereon shall be refunded

Merchandise entered under bond, under any provision of law, may be destroyed, at the request and at the expense of the consignee, within the bonded period under customs supervision, in lieu of exportation, and the consignee relieved of the payment of duties thereon (Sept. 21, 1922, c 356, title IV, § 557, 42 Stat 977)

§ 5841g-7. Refunds or drawbacks on exportation of merchandise after release from custody or control of Government—Refund after delivery of goods—No refund or drawback of duty shall be allowed on the exportation of any merchandise after its release from the custody or control of the Government except in case of the exportation of articles manufactured or produced in whole or in part from imported materials on which a drawback of duties is expressly provided for by law (Sept 21, 1922, c 356, title IV, § 558, 42 Stat. 977)

§ 5841g-8. Abandonment of merchandise in bonded warehouse; sale; disposition of proceeds—Abandonment of warehouse goods.—Merchandise remaining in bonded warehouse beyond three years from the date of importation shall be regarded as abandoned to the Government and be sold under such regulations as the Secretary of the Treasury shall prescribe, and the proceeds of sale paid into the Treasury, as in the case of unclaimed merchandise covered by section 493 of this Act, subject to the payment to the owner or consignee of such amount, if any, as shall remain after deduction of duties, charges, and expenses. (Sept. 21, 1922, c 356, title IV, § 559, 42 Stat. 977)

§ 5841g-9. Lease of warehouses by Secretary of Treasury; restrictions on; use—Leasing of warehouses—The Secretary of the Treasury may cause to be set aside any available space in a building used as a customhouse for the storage of bonded merchandise or may lease premises for the storage of unclaimed merchandise or other imported merchandise required to be stored by the Government, and set aside a portion of such leased premises for the storage of bonded merchandise Provided, That no part of any premises owned or leased by the Government may be used for the storage of bonded merchandise at any port at which a public bonded warehouse has been established and is in operation. All the premises so leased shall be leased on public account and the storage and other charges shall be deposited and accounted for as customs receipts, and the rates therefor shall not be less than the charges for storage and similar services made at such port of entry by commercial concerns for the storage and handling of merchandise No collector or other officer of the customs shall own, in whole or in part, any bonded warehouse or enter into any contract or agreement for the lease or use of any building to be thereafter erected as a public store or warehouse No lease of any building to be so used shall be taken for a longer period than three years, nor shall rent for any such premises be paid, in whole or in part, in advance. (Sept. 21, 1922, c. 356, title IV, § 560, 42 Stat. 977)

§ 5841g-10. Public stores—Public stores.—Any premises owned or leased by the Government and

used for the storage of merchandise for the final release of which from customs custody a permit has not been issued shall be known as a "public store" (Sept 21, 1922, c. 356, title IV, § 561, 42 Stat 978)

§ **5841g-11. Manner of withdrawal from bonded warehouse; manipulation in warehouse**—Manipulation in warehouse—Unless by special authority of the Secretary of the Treasury, no merchandise shall be withdrawn from bonded warehouse in less quantity than an entire bale, cask, box, or other package, or, if in bulk, in the entire quantity imported or in a quantity not less than one ton weight. All merchandise so withdrawn shall be withdrawn in the original packages in which imported unless, upon the application of the importer, it appears to the collector that it is necessary to the safety or preservation of the merchandise to repack or transfer the same Provided, That upon permission therefor being granted by the Secretary of the Treasury, and under customs supervision, at the expense of the proprietor, merchandise may be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, in bonded warehouses established for that purpose and be withdrawn therefrom for exportation, without payment of the duties, or for consumption, upon payment of the duties accruing thereon, in its condition at the time of withdrawal from warehouse The scouring or carbonizing of wool shall not be considered a process of manufacture within the provisions of this section (Sept 21, 1922, c 356, title IV, § 562, 42 Stat 978)

§ **5841g-12. Abatements or allowances for injury, deterioration, loss, or damage; abandonment of merchandise by consignee**—Allowance for loss—Abandonment—In no case shall there be any abatement or allowance made in the duties for any injury, deterioration, loss, or damage sustained by any merchandise while remaining in a bonded warehouse: Provided, That upon the production of satisfactory proof to the Board of General Appraisers of actual injury or destruction, in whole or in part, of any merchandise, by accidental fire or other casualty, while in bonded warehouse, or in the appraiser's stores undergoing appraisal, or while in transportation under bond from one port to another, or while in the custody of the officers of the customs, although not in bond, or while within the limits of any port of entry, and before the same has been landed from the importing vessel or vehicle, such board is hereby authorized to order an abatement or refund, as the case may be, and the Secretary of the Treasury is authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the amount of duties paid. Notice in writing shall be filed with the collector of the district in which such actual injury or destruction was sustained or occurred, and the collector shall transmit such notice together with all papers and documents to the board for due assignment and determination, and such determination shall be final and conclusive upon all persons interested therein except in cases where an appeal may be filed by either party in the United States Court of Customs Appeals within the time and in the manner provided by law: And provided further, That the consignee may, with the consent of the Secretary of the Treasury, at any time prior to three years from the date of original importation abandon to the Government any merchandise in bonded warehouse and be relieved of the payment of duties thereon. Provided, That the portion so abandoned shall not be less than an entire package and shall be abandoned in the original package without having been repacked while in bonded warehouse. (Sept. 21, 1922, c. 356, title IV, § 563, 42 Stat. 978.)

§ **5841g-13. Lien for freight, charges, or general average contribution**—Liens—That whenever a collector of customs shall be notified in writing of the existence of a lien for freight, charges or contribution in general average upon any imported merchandise sent to the appraiser's store for examination, entered for warehousing or taken possession of by him, he shall refuse to permit delivery thereof from public store or bonded warehouse until proof shall be produced that the said lien has been satisfied or discharged The rights of the United States shall not be prejudiced or affected by the filing of such lien, nor shall the United States or its officers be liable for losses or damages consequent upon such refusal to permit delivery If merchandise, regarding which such notice of lien has been filed, shall be forfeited or abandoned and sold, the freight, charges, or contribution in general average due thereon shall be paid from the proceeds of such sale in the same manner as other lawful charges and expenses are paid therefrom. (Sept 21, 1922, c 356, title IV, § 564, 42 Stat 978)

§ **5841g-14. Cartage of merchandise**—Cartage—The cartage of merchandise entered for warehouse shall be done by cartmen to be appointed and licensed by the collector of customs and who shall give a bond, in a penal sum to be fixed by such collector, for the protection of the Government against any loss of, or damage to, such merchandise while being so carted The cartage of merchandise designated for examination at the appraiser's stores and of merchandise taken into custody by the collector as unclaimed shall be performed by such persons as may be designated, under contract or otherwise, by the Secretary of the Treasury, and under such regulations for the protection of the owners thereof and of the revenue as the Secretary of the Treasury shall prescribe. (Sept. 21, 1922, c 356, title IV, § 565, 42 Stat 979)

PART 5—ENFORCEMENT PROVISIONS

§ **5841h. Boarding vessels or vehicles; seizure of vessel or merchandise; arrests for violations of navigation laws**—Boarding vessels—Officers of the customs or of the Coast Guard, and agents or other persons authorized by the Secretary of the Treasury, or appointed for that purpose in writing by a collector may at any time go on board of any vessel or vehicle at any place in the United States or within four leagues of the coast of the United States, without as well as within their respective districts, to examine the manifest and to inspect, search, and examine the vessel or vehicle, and every part thereof, and any person, trunk, or package on board, and to this end to hail and stop such vessel or vehicle, if under way, and use all necessary force to compel compliance, and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel or vehicle, or the merchandise, or any part thereof, on board of or imported by such vessel or vehicle is liable to forfeiture, it shall be the duty of such officer to make seizure of the same, and to arrest or, in case of escape or attempted escape, to pursue and arrest any person engaged in such breach or violation

Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within four leagues of the coast of the United States and hail, stop, and board such vessels in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the

navigation laws (Sept 21, 1922, c 356, title IV, § 581, 42 Stat 979)

§ 5841h-1. Examination of persons and baggage; female inspectors—Examination of baggage—The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex, and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government under such regulations (Sept 21, 1922, c 356, title IV, § 582, 42 Stat. 979)

§ 5841h-2. Production and certification of manifest—Certification of manifest—The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge. (Sept. 21, 1922, c 356, title IV, § 583, 42 Stat. 979)

§ 5841h-3. Failure to produce manifest; penalty; merchandise on board not included in manifest; penalty and forfeiture; smoking opium; penalty—Falsity or lack of manifest—Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, and if any merchandise, including sea stores, is found on board of or after unlading from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge shall be subject to a penalty of $500: Provided, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or the person in charge of such vehicle shall be liable to a penalty of $25 for each ounce thereof so found Such penalty shall constitute a lien upon such vessel which may be enforced by a libel in rem Clearance of any such vessel may be withheld until such penalty is paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. (Sept. 21, 1922, c. 356, title IV, § 584, 42 Stat. 980.)

§ 5841h-4. Departure of vessel or unlading of merchandise before making report or entry; penalty—Departure before report or entry.—If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this Act, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000, and the person in charge of such vehicle shall be liable to a penalty of $500, and any such vessel or vehicle shall be subject to forfeiture, and any customs or Coast Guard officer may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States (Sept 21, 1922, c 356, title IV, § 585, 42 Stat 980.)

§ 5841h-5. Unlawful unlading; penalty and seizure and forfeiture; accident, stress of weather, or other necessity—Unlawful unlading—Exception—The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within four leagues of the coast of the United States and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and such vessel and the merchandise shall be subject to seizure and forfeiture: Provided, That whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel shall, as soon as possible thereafter, notify the collector of the district within which such unlading or transshipment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity the penalties above described shall not be incurred. (Sept. 21, 1922, c. 356, title IV, § 586, 42 Stat 980)

§ 5841h-6. Unlawful transshipment; penalty, seizure and forfeiture—Unlawful transshipment—If any merchandise (including sea stores) unladen in violation of the provisions of section 586 of this Act is transshipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than $1,000, and such vessel and such merchandise shall be liable to seizure and forfeiture. (Sept 21, 1922, c. 356, title IV, § 587, 42 Stat. 981.)

§ 5841h-7. Merchandise shipped to foreign port and reshipped to another port in United States to evade law relating to transportation between ports of United States; seizure and forfeiture; tonnage duty—Transportation between ports.—If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject, of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton. (Sept. 21, 1922, c. 356, title IV, § 588, 42 Stat. 981.)

§ 5841h-8. Unlawful relanding; penalties—Unlawful relanding—If any merchandise entered or withdrawn for exportation without payment of the

duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry therefor having been made, the same shall be considered and treated as having been imported into the United States contrary to law, and all persons concerned therein and such merchandise shall be liable to the same penalties as are prescribed by section 593 of this Act (Sept 21, 1922, c. 356, title IV, § 589, 42 Stat. 981)

§ 5841h-9. False drawback claims; punishment—False drawback claim—If any person shall knowingly and willfully file any false or fraudulent entry or claim for the payment of drawback, allowance, or refund of duties upon the exportation of merchandise, or shall knowingly and willfully make or file any false affidavit, abstract, record, certificate, or other document, with a view to securing the payment to himself or others of any drawback, allowance, or refund of duties, on the exportation of merchandise, greater than that legally due thereon, such person shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both, and the merchandise or the value thereof to which such false entry or claim, affidavit, abstract, record, certificate, or other document relates shall be subject to forfeiture. (Sept. 21, 1922, c. 356, title IV, § 590, 42 Stat. 981)

§ 5841h-10. False or fraudulent invoices, declarations, affidavits, letters, or papers; false statements; willful acts or omissions depriving United States of duties; punishment—Fraud—Penalty—Personal.—If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 485 of this Act without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or is guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such person or persons shall upon conviction be fined for each offense a sum not exceeding $5,000, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court: Provided, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law. (Sept. 21, 1922, c. 356, title IV, § 591, 42 Stat. 981.)

§ 5841h-11. Same; forfeiture of merchandise—Same—Penalty against goods.—If any consignor, seller, owner, importer, consignee, agent, or other person or persons enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or makes any false statement in any declaration under the provisions of section 485 of this Act without reasonable cause to believe the truth of such statement, or aids or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, or is guilty of any willful act or omission by means whereof the United States is or may be deprived of the lawful duties or any portion thereof accruing upon the merchandise or any portion thereof, embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be subject to forfeiture, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates. The arrival within the territorial limits of the United States of any merchandise consigned for sale and remaining the property of the shipper or consignor, and the acceptance of a false or fraudulent invoice thereof by the consignee or the agent of the consignor, or the existence of any other facts constituting an attempted fraud, shall be deemed, for the purposes of this paragraph, to be an attempt to enter such merchandise notwithstanding no actual entry has been made or offered. (Sept 21, 1922, c. 356, title IV, § 592, 42 Stat. 982.)

§ 5841h-12. Smuggling or clandestine importations; making or passing false, forged or fraudulent invoices; punishment—Smuggling and clandestine importations—If any person knowingly and willfully, with intent to defraud the revenue of the United States, smuggles, or clandestinely introduces, into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding $5,000, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court. (Sept. 21, 1922, c. 356, title IV, § 593(a), 42 Stat. 982)

§ 5841h-13. Fraudulently or knowingly importing or assisting in importing merchandise; buying, selling, transporting, or concealing unlawfully imported merchandise; punishment—If any person fraudulently or knowingly imports or brings into the United States, or assists in so doing, any merchandise, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury. (Sept. 21, 1922, c. 356, title IV, § 593(b), 42 Stat. 982.)

§ 5841h-14. Seizure or forfeiture of vessels or vehicles—Seizure of vessels and vehicles—Whenever a vessel or vehicle, or the owner or master, conductor, driver, or other person in charge thereof, has become subject to a penalty for violation of the customs-revenue laws of the United States, such vessel or vehicle shall be held for the payment of such penalty and may be seized and proceeded against summarily by libel to recover the same. Provided, That no vessel or vehicle used by any person as a common

carrier in the transaction of business as such common carrier shall be so held or subject to seizure or forfeiture under the customs laws, unless it shall appear that the owner or master of such vessel or the conductor, driver, or other person in charge of such vehicle was at the time of the alleged illegal act a consenting party or privy thereto (Sept 21, 1922, c. 356, title IV, § 594, 42 Stat. 982)

§ 5841h-15. Search-warrants—Warrant—If any collector of customs or other officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge or to any United States commissioner, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise: Provided, That if any such house, store, or other building, or place in which such merchandise shall be found, is upon or within ten feet of the boundary line between the United States and a foreign country, such portion thereof as is within the United States may forthwith be taken down or removed. (Sept 21, 1922, c 356, title IV, § 595, 42 Stat 983)

§ 5841h-16. Receiving or depositing merchandise in buildings on boundary line between United States and foreign country, or carrying merchandise through same, in violation of law; punishment—Buildings on boundary—Any person who receives or deposits in such building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, or aids therein, in violation of law, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. (Sept. 21, 1922, c. 356, title IV, § 596, 42 Stat. 983)

§ 5841h-17. Fraudulently concealing merchandise in, or removal from, bonded warehouse; repacking; altering, etc., marks or numbers on packages; punishment—Concealment.—If any merchandise is fraudulently concealed in, removed from, or repacked in any bonded warehouse, or if any marks or numbers placed upon packages deposited in such a warehouse be fraudulently altered, defaced, or obliterated, such merchandise and packages shall be subject to forfeiture, and all persons convicted of the fraudulent concealment, repacking, or removal of such merchandise, or of altering, defacing, or obliterating such marks and numbers thereon, and all persons aiding and abetting therein shall be liable to the same penalties as are imposed by section 593 of this Act. (Sept 21, 1922, c 356, title IV, § 597, 42 Stat 983)

§ 5841h-18. Customs seals; affixing by unauthorized persons; false seals; removal, injury to, defacing, etc.; wrongful entry of bonded warehouse, or unlawful removal of merchandise therefrom; punishment—False seals—If any unauthorized person affixes or attaches or in any way willfully assists or encourages the affixing or attaching of a customs seal or other fastening to any vessel or vehicle, or of any seal, fastening, or mark purporting to be a customs seal, fastening, or mark, or if any unauthorized person willfully or maliciously removes, breaks, injures, or defaces any customs seal or other fastening placed upon any vessel, vehicle, warehouse, or package containing merchandise or baggage in bond or in customs custody, or willfully aids, abets, or encourages any other person to remove, break, injure, or deface such seal, fastening, or mark; or if any person maliciously enters any bonded warehouse or any vessel or vehicle laden with or containing bonded merchandise with intent unlawfully to remove or cause to be removed therefrom any merchandise or baggage therein, or unlawfully removes or causes to be removed any merchandise or baggage in such vessel, vehicle, or bonded warehouse or otherwise in customs custody or control, or aids or assists therein; or if any person receives or transports any merchandise or baggage unlawfully removed from any such vessel, vehicle, or warehouse, knowing the same to have been unlawfully removed, he shall be guilty of a felony and liable to the same penalties as are imposed by section 593 of this Act (Sept 21, 1922, c 356, title IV, § 598, 42 Stat 983)

§ 5841h-19. Customs officers not to own vessel, act as agent, attorney, or consignee for owner of vessel or cargo, or import merchandise for sale; penalty—Interested officers—No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same, nor shall any such person import, or be concerned directly or indirectly in the importation, of any merchandise for sale into the United States Every person who violates this section shall be liable to a penalty of $500. (Sept. 21, 1922, c. 356, title IV, § 599, 42 Stat 984)

§ 5841h-20. Receiving gratuities for performance or non-performance of services—Gratuity.—Any officer or employee of the United States who, except in payment of the duties or exactions fixed by law, solicits, demands, exacts, or receives from any person, directly or indirectly, any gratuity, money, or thing of value, for any service performed under the customs laws, or in consideration of any official act to be performed by him, or of the omission of performance of any such act, in connection with or pertaining to the importation, entry, inspection or examination, or appraisement of merchandise or baggage, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both, and evidence, satisfactory to the court in which the trial is had, of such soliciting, demanding, exacting, or receiving shall be prima facie evidence that the same was contrary to law (Sept. 21, 1922, c 356, title IV, § 600, 42 Stat 984)

§ 5841h-21. Bribery of customs officers—Bribery.—Any person who gives, or offers to give, or promises to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts to improperly influence or control any such officer or employee of the United States as to the performance of his official duties, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment for a term not exceeding two years, or both, and evidence of such giving, offering, or promising to give, or attempting to influence or control, satisfactory to the court in which such trial is had, shall be prima facie evidence that the same was contrary to law. (Sept. 21, 1922, c. 356, title IV, § 601, 42 Stat. 984.)

§ 5841h-22. Seizures; report to collector; delivery of vessel or property seized to collector;

report of violations of customs laws—Seizure procedure—Report.—It shall be the duty of any officer, agent, or other person authorized by law to make seizures of merchandise or baggage subject to seizure for violation of the customs laws, to report every such seizure immediately to the collector for the district in which such violation occurred, and to turn over and deliver to such collector any vessel, vehicle, merchandise, or baggage seized by him, and to report immediately to such collector every violation of the customs laws. (Sept 21, 1922, c 356, title IV, § 602, 42 Stat 984)

§ 5841h-23. Same; reports by collectors to Solicitor of Treasury and district attorneys—Same—Facts to report.—It shall be the duty of the collector whenever a seizure of merchandise has been made for a violation of the customs laws to report the same to the Solicitor of the Treasury, and promptly also to report any such seizure or violation of the customs laws to the United States attorney for the district in which such violation has occurred, or in which such seizure was made, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and citation of the statute or statutes believed to have been violated, and on which reliance may be had for forfeiture or conviction. (Sept 21, 1922, c. 356, title IV, § 603, 42 Stat. 984)

§ 5841h-24. Same; prosecutions by district attorneys—Same—Prosecution—It shall be the duty of every United States district attorney immediately to inquire into the facts of cases reported to him by collectors and the laws applicable thereto, and, if it appears probable that any fine, penalty, or forfeiture has been incurred by reason of such violation, for the recovery of which the institution of proceedings in the United States district court is necessary, forthwith to cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such fine, penalty, or forfeiture in such case provided, unless, upon inquiry and examination, such district attorney decides that such proceedings can not probably be sustained or that the ends of public justice do not require that they should be instituted or prosecuted, in which case he shall report the facts to the Secretary of the Treasury for his direction in the premises. (Sept. 21, 1922, c. 356, title IV, § 604, 42 Stat. 984)

§ 5841h-25. Same; custody of property seized—Same—Custody—All vessels, vehicles, merchandise, and baggage seized under the provisions of the customs laws, or laws relating to the navigation, registering, enrolling or licensing, or entry or clearance, of vessels, unless otherwise provided by law, shall be placed and remain in the custody of the collector for the district in which the seizure was made to await disposition according to law. (Sept. 21, 1922, c. 356, title IV, § 605, 42 Stat. 985.)

§ 5841h-26. Same; appraisement of seized property—Same—Appraisement—The collector shall require the appraiser to determine the domestic value, at the time and place of appraisement, of any vessel, vehicle, merchandise, or baggage seized under the customs laws. (Sept. 21, 1922, c 356, title IV, § 606, 42 Stat. 985.)

§ 5841h-27. Same; notice of where value $1,000 or less—Same—Value $1,000 or less.—If such value of such vessel, vehicle, merchandise, or baggage returned by the appraiser, does not exceed $1,000, the collector shall cause a notice of the seizure of such articles and the intention to forfeit and sell the same to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. (Sept 21, 1922, c. 356, title IV, § 607, 42 Stat. 985)

§ 5841h-28. Same; claims to and condemnation of seized property—Same—Claims—Any person claiming such vessel, vehicle, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the collector a claim stating his interest therein Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of $250, with sureties to be approved by the collector, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, the collector shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law (Sept. 21, 1922, c 356, title IV, § 608, 42 Stat 985)

§ 5841h-29. Same; sale of seized property—Same—Sale—If no such claim is filed or bond given within the twenty days hereinbefore specified, the collector shall declare the vessel, vehicle, merchandise, or baggage forfeited, and shall sell the same at public auction in the same manner as merchandise abandoned to the United States is sold, and shall deposit the proceeds of sale, after deducting the actual expenses of seizure, publication and sale, in the Treasury of the United States. (Sept. 21, 1922, c. 356, title IV, § 609, 42 Stat 985.)

§ 5841h-30. Same; condemnation proceedings by district attorney where value exceeds $1,000—Same—Value more than $1,000—If the value returned by the appraiser of any vessel, vehicle, merchandise, or baggage so seized is greater than $1,000, the collector shall transmit a report of the case, with the names of available witnesses, to the United States attorney for the district in which the seizure was made for the institution of the proper proceedings for the condemnation of such property. (Sept. 21, 1922, c. 356, title IV, § 610, 42 Stat 985)

§ 5841h-31. Same; sale of seized property; place of; destruction instead of sale; remanufacture in certain cases—Same—Conditional sales—If the sale of any vessel, vehicle, merchandise, or baggage forfeited under the customs laws in the district in which seizure thereof was made be prohibited by the laws of the State in which such district is located, or if a sale may be made more advantageously in any other district, the Secretary of the Treasury may order such vessel, vehicle, merchandise, or baggage to be transferred for sale in any customs district in which the sale thereof may be permitted. And if the Secretary of the Treasury is satisfied that the proceeds of sale will not be sufficient to pay the costs thereof, he may order a destruction by the customs officers: Provided, That any merchandise forfeited under the customs laws, the sale or use of which is prohibited under any law of the United States or of any State, may be remanufactured, in the discretion of the Secretary of the Treasury, into an article that is not prohibited, the resulting article to be disposed of to the profit of the United States only. (Sept. 21, 1922, c. 356, title IV, § 611, 42 Stat. 985.)

§ 5841h-32. Same; sale of perishable property—Summary sale.—Whenever it appears to the collector that any vessel, vehicle, merchandise, or baggage seized under the customs laws is liable to perish or to waste or to be greatly reduced in value by keeping, or that the expense of keeping the same is dis-

proportionate to the value thereof, and the value of such vessel, vehicle, merchandise, or baggage as determined by the appraiser under section 606 of this Act, does not exceed $1,000, and such vessel vehicle, merchandise or baggage has not been delivered under bond, the collector shall, within twenty-four hours after the receipt by him of the appraiser's return proceed forthwith to advertise and sell the same at auction under regulations to be prescribed by the Secretary of the Treasury If such value of such vessel, vehicle, merchandise, or baggage exceeds $1,000 the collector shall forthwith transmit the appraiser's return and his report of the seizure to the United States district attorney, who shall petition the court to order an immediate sale of such vessel vehicle, merchandise, or baggage, and if the ends of justice require it the court shall order such immediate sale, the proceeds thereof to be deposited with the court to await the final determination of the condemnation proceedings. Whether such sale be made by the collector or by order of the court, the proceeds thereof shall be held subject to claims of parties in interest to the same extent as the vessel, vehicle, merchandise, or baggage so sold would have been subject to such claim (Sept. 21, 1922, c. 356, title IV, § 612, 42 Stat. 986)

§ 5841h-33. Same; sale of seized property; disposition of proceeds—Disposition of proceeds.—Any person claiming any vessel, vehicle, merchandise, or baggage, or any interest therein, which has been forfeited and sold under the provisions of this Act, may at any time within three months after the date of sale apply to the Secretary of the Treasury if the forfeiture and sale was under the customs laws, or to the Secretary of Commerce if the forfeiture and sale was under the navigation laws, for a remission of the forfeiture and restoration of the proceeds of such sale, or such part thereof as may be claimed by him. Upon the production of satisfactory proof that the applicant did not know of the seizure prior to the declaration or condemnation of forfeiture, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without any willful negligence or intention to defraud on the part of the applicant, the Secretary of the Treasury or the Secretary of Commerce may order the proceeds of the sale, or any part thereof, restored to the applicant, after deducting the cost of seizure and of sale, the duties, if any, accruing on the merchandise or baggage, and any sum due on a lien for freight, charges or contribution in general average that may have been filed. If no application for such remission or restoration is made within three months after such sale, or if the application be denied by the Secretary of the Treasury or the Secretary of Commerce, the proceeds of sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the property, advertising and sale, and if condemned by a decree of a district court and a bond for such costs was not given, the costs as taxed by the court;

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the collector according to law;

(3) For the payment of the duties accruing on such merchandise or baggage, if the same is subject to duty; and

(4) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine. (Sept. 21, 1922, c. 356, title IV, § 613, 42 Stat. 986.)

§ 5841h-34. Same; release of seized property on payment of appraised value—Release.—If any person claiming an interest in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act offers to pay the value of such vessel, vehicle, merchandise, or baggage, as determined under section 606 of this Act, and it appears that such person has in fact a substantial interest therein, the collector may, subject to the approval of the Secretary of the Treasury if under the customs laws, or the Secretary of Commerce if under the navigation laws, accept such offer and release the vessel, vehicle, merchandise, or baggage seized upon the payment of such value thereof, which shall be distributed in the order provided in section 613 of this Act. (Sept. 21, 1922, c. 356, title IV, § 614, 42 Stat 987.)

§ 5841h-34a. Vessels or vehicles forfeited for violations of customs laws; use for enforcement of customs laws or National Prohibition Act—Hereafter any vessel or vehicles summarily forfeited to the United States for violation of the customs laws, may, in the discretion of the Secretary of the Treasury, under such regulations as he may prescribe, be taken and used for the enforcement of the customs laws or the National Prohibition Act, in lieu of the sale thereof under existing law. (March 3, 1925, c 438, § 1, 43 Stat. 1116)

This section, and the two sections next following, are an act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the National Prohibition Act, and for other purposes," cited above

§ 5841h-34aa. Vessels or vehicles forfeited for violations of customs laws or National Prohibition Act; use for enforcement of such laws—Upon application therefor by the Secretary of the Treasury, any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the National Prohibition Act may be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the customs laws or the National Prohibition Act, in lieu of the sale thereof under existing law. (March 3, 1925, c. 438, § 2, 43 Stat. 1116)

See note to § 5841h–34a, ante.

§ 5841h-34aaa. Vessels or vehicles forfeited for violations of customs laws or National Prohibition Act; limitation on use; appropriation for expense of maintenance, etc.; report in Budget as to such vessels or vehicles; disposition when not needed for official use—Any vessel or vehicle acquired under the provisions of section 1 or 2 of this Act shall be utilized only for official purposes in the enforcement of the customs laws or the National Prohibition Act. The appropriations available for defraying the expenses of collecting the revenue from customs or for enforcement of the National Prohibition Act shall hereafter be available for the payment of expenses of maintenance, repair, and operation of said vessels and vehicles, including motor-propelled passenger-carrying vehicles. Said appropriations shall also be available for the payment of the actual costs incident to the seizure and forfeiture, and if the seizure is made under any section of law under which liens are recognized, for the payment of the amount of such lien allowed by the court: Provided, however, That a report shall be submitted to Congress each year in the Budget, setting forth in detail a description of the vessels or vehicles so acquired, the cost of acquiring, the appraised value thereof, the uses to which they have been put, the appraised value of seizures resulting from their use, and the expense of operating such vessels or vehicles: Provided further, That any vessel or vehicle so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (March 3, 1925, c. 438, § 3, 43 Stat. 1116.)

See note to § 5841h–34a, ante.

§ 5841h-35. Burden of proof in proceedings for forfeiture of property seized—Burden of proof—In all suits or actions brought for the forfeiture of any vessel, vehicle, merchandise, or baggage seized under the provisions of any law relating to the collection of duties on imports or tonnage, where the property is claimed by any person, the burden of proof shall lie upon such claimant, and in all suits or actions brought for the recovery of the value of any vessel, vehicle, merchandise, or baggage seized for violation of any such law, the burden of proof shall be upon the defendant: Provided, That probable cause shall be first shown for the institution of such suit or action, to be judged of by the court. (Sept. 21, 1922, c. 356, title IV, § 615, 42 Stat. 987.)

§ 5841h-36. Compromise of claims—Compromise of claims—It shall not be lawful for any officer of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture, and any such officer who compromises or abates any such claim or attempts to make such compromise or abatement, or in any manner relieves or attempts to relieve any person, vessel, vehicle, merchandise, or baggage from any such fine, penalty, or forfeiture shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for a term of not exceeding two years: Provided, That the Secretary of the Treasury shall have power to remit or mitigate any such fine, penalty, or forfeiture, or to compromise the same in the manner provided by law. (Sept 21, 1922, c. 356, title IV, § 616, 42 Stat. 987.)

§ 5841h-37. Same—Same—Upon a report by a collector, district attorney, or any special attorney or agent, having charge of any claim arising under the customs laws, showing the facts upon which such claim is based, the probabilities of a recovery and the terms upon which the same may be compromised, the Secretary of the Treasury is hereby authorized to compromise such claim, if such action shall be recommended by the Solicitor of the Treasury. (Sept. 21, 1922, c 356, title IV, § 617, 42 Stat. 987.)

§ 5841h-38. Remission of fines, penalties, or forfeitures—Remission or mitigation of penalties—Whenever any person interested in any vessel, vehicle, merchandise, or baggage seized under the provisions of this Act, or who has incurred, or is alleged to have incurred, any fine or penalty thereunder, files with the Secretary of the Treasury if under the customs laws, and with the Secretary of Commerce if under the navigation laws, before the sale of such vessel, vehicle, merchandise, or baggage a petition for the remission or mitigation of such fine, penalty, or forfeiture, the Secretary of the Treasury, or the Secretary of Commerce, if he finds that such fine, penalty, or forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine, penalty, or forfeiture, may remit or mitigate the same upon such terms and conditions as he deems reasonable and just, or order discontinuance of any prosecution relating thereto. In order to enable him to ascertain the facts, the Secretary of the Treasury may issue a commission to any special agent, collector, member of the Board of United States General Appraisers, or United States commissioner, to take testimony upon such petition: Provided, That nothing in this section shall be construed to deprive any person of an award of compensation made before the filing of such petition. (Sept. 21, 1922, c 356, title IV, § 618, 42 Stat 987.)

§ 5841h-39. Compensation to informers—Award of compensation—Any person not an officer of the United States who detects and seizes any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the customs laws and who reports the same to an officer of the customs, or who furnishes to a district attorney, to the Secretary of the Treasury, or to any customs officer original information concerning any fraud upon the customs revenue, or a violation of the customs laws perpetrated or contemplated, which detection and seizure or information leads to a recovery of any duties withheld, or of any fine, penalty or forfeiture incurred, may be awarded and paid by the Secretary of the Treasury a compensation of 25 per centum of the net amount recovered, but not to exceed $50,000 in any case, which shall be paid out of moneys appropriated for that purpose For the purposes of this section, an amount recovered under a bail bond shall be deemed a recovery of a fine incurred. (Sept. 21, 1922, c 356, title IV, § 619, 42 Stat. 988)

§ 5841h-40. Same; United States officers—Same—United States officers.—Any officer of the United States who directly or indirectly receives, accepts, or contracts for any portion of the money which may accrue to any person making such detection and seizure, or furnishing such information, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both, and shall be thereafter ineligible to any office of honor, trust, or emolument. Any such person who pays to any such officer, or to any person for the use of such officer, any portion of such money, or anything of value for or because of such money, shall have a right of action against such officer, or his legal representatives, or against such person, or his legal representatives, and shall be entitled to recover the money so paid or the thing of value so given. (Sept. 21, 1922, c. 356, title IV, § 620, 42 Stat. 988.)

§ 5841h-41. Limitation of actions for penalties or forfeitures—Limitation of actions—No suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs laws shall be instituted unless such suit or action is commenced within five years after the time when such penalty or forfeiture accrued: Provided, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation. (Sept. 21, 1922, c. 356, title IV, § 621, 42 Stat. 988)

§ 5841h-42. Extension of time for performance of required acts during emergency of war—Emergency of war.—Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act. (Sept. 21, 1922, c. 356, title IV, § 622, 42 Stat. 988.)

§ 5841h-43. General rules and regulations—General regulations.—In addition to the specific powers conferred by this Act, the Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act (Sept. 21, 1922, c. 356, title IV, § 623, 42 Stat. 988.)

PART 6.—REPEALING PROVISIONS

§ 5841i. Effect of repeals or modifications upon rights and liabilities—Rights and liabilities.—

The repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, nor any right accruing or accrued nor any suit or proceeding had or commenced in any civil or criminal case prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any statute embraced in, or changed, modified, or repealed by this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed No acts of limitation now in force, whether applicable to civil causes and proceedings, or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in, modified, changed, or repealed by this Act shall be affected thereby so far as they affect any suits, proceedings or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the taking effect of this Act, which may be commenced and prosecuted within the same time and with the same effect as if this Act had not been passed (Sept 21 1922, c. 356, title IV, § 641, 42 Stat 989)

§ 5841i-1. Acts repealed; Revised Statutes sections—Revised Statutes—The following sections of the Revised Statutes, as amended, are hereby repealed: 909, 2520, 2521, 2524, 2537, 2540, 2554, 2561, 2581, 2588, 2589, 2590, 2609, 2610, 2637, 2638, 2652, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2836, 2837, 2840, 2842, 2844, 2846, 2847, 2848, 2849, 2850, 2852, 2857, 2859, 2864, 2865, 2867, 2868, 2869, 2870, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2898, 2899, 2901, 2906, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2920, 2921, 2925, 2926, 2928, 2933, 2935, 2936, 2937, 2939, 2945, 2946, 2947, 2948, 2949, 2950, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2998, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3063, 3064, 3065, 3066, 3067, 3069, 3070, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3088, 3090, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3110, 3120, 3121, 3123, 3128, 3129, 4209, 4210, 4211, 5292, and 5293 (Sept. 21, 1922, c. 356, title IV, § 642, 42 Stat. 989.)

§ 5841i-2. Same; Statutes at Large—Statutes at Large—The following Acts and parts of Acts are hereby repealed: The Act of March 24, 1874, chapter 65; Act of June 22, 1874, chapter 391, sections 3, 4, 6, 7, 15, 17, 18, 19, 20, 21, 22, 24, and 25; Act of March 3, 1875, chapter 136, Act of May 1, 1876, chapter 89; Act of June 20, 1876, chapter 136, as amended; Act of June 10, 1880, chapter 190, as amended; Act of February 8, 1881, chapter 34; Act of February 23, 1887, chapter 218; Act of June 10, 1890, chapter 407, as amended, except sections 12 and 22; Act of March 2, 1895, chapter 177, section 9; Act of February 2, 1899, chapter 84; Act of February 13, 1911, chapter 46, sections 1, 2, 3, and 4; Act of October 3, 1913, chapter 16, section III; and Titles I, III and V of the Act entitled "An Act Imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue, to regulate commerce with foreign countries, to prevent dumping of foreign merchandise on the markets of the United States, to regulate the value of foreign money; and for other purposes," approved May 27, 1921, as amended. (Sept. 21, 1922, c 356, title IV, § 643, 42 Stat 989)

§ 5841i-3. Same; inconsistent laws and parts of laws—General repeal—All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed (Sept 21, 1922, c 356, title IV, § 644, 42 Stat 990)

§ 5841i-4. Effect of partial invalidity of act—If any clause, sentence, paragraph, or part of this title shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Sept. 21, 1922, c. 356, title IV, § 645, 42 Stat 990.)

§ 5841i-5. Time of taking effect of act—Unless otherwise herein specially provided, this Act shall take effect on the day following its passage. (Sept. 21, 1922, c 356, title IV, § 646, 42 Stat 990)

This act was approved Sept 21, 1922, at 11 10 a m

§ 5841i-6. Citation of act—This Act may be cited as the "Tariff Act of 1922" (Sept. 21, 1922, c. 356, title IV, § 647, 42 Stat. 990)

TITLE XXXV—INTERNAL REVENUE

The recent revenue acts are as follows: Act Sept 8, 1916, c. 463, 39 Stat 756, known as the Revenue Act of 1916, Act Oct 3, 1917, c 63, 40 Stat 300, known as the Revenue Act of 1917, Act Feb 24, 1919, c 18, 40 Stat 1057, known as the Revenue Act of 1918; Act Nov 23, 1921, c 136, 42 Stat 227, known as the Revenue Act of 1921, and Act June 2, 1924, c 234, 43 Stat 253, known as the Revenue Act of 1924.

The Revenue Act of 1916 was largely repealed, subject to certain exceptions and limitations, by § 1400 of the Revenue Act of 1918 The Revenue Act of 1917 was also largely repealed, subject to certain exceptions and limitations by §. 1400 of the Revenue Act of 1918 The Revenue Act of 1918 was largely repealed, subject to certain exceptions and limitations, by § 1400 of the Revenue Act of 1921, and the Revenue Act of 1921 was largely repealed, subject to certain exceptions and limitations by § 1100 of the Revenue Act of 1924

The exceptions and limitations to the repeals above noted are generally that the parts of the acts repealed shall remain in force for the assessment and collection of all taxes which have accrued thereunder, and for the imposition and collection of all penalties or forfeitures which have accrued or may accrue in relation to such taxes See post, §§ 6371¾a, 6371¾j, 6371¾t, for the repealing sections of the Revenue Acts of 1918, 1921, and 1924

Chapter One—Officers of Internal Revenue

§ 5846. Collectors; appointment—The President, by and with the advice and consent of the Senate, shall appoint for each collection-district a collector, who shall be a resident of the same. When two or more collection-districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

On and after July 1, 1921, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal

revenue shall not exceed sixty-five (R S § 3142, amended, March 4, 1923, c 244, 42 Stat. 1444)

This section was amended by Act March 4, 1923 c 244, 42 Stat 1444, cited above, by adding the last paragraph thereto

§ 5851a. Collectors; adjustment of salaries—The salaries of collectors may be readjusted and increased under such regulations as may be prescribed by the Commissioner, subject to the approval of the Secretary, but no collector shall receive a salary in excess of $6,000 a year (Feb. 24, 1919, c. 18, § 1301(b), 40 Stat 1140)

This section is paragraph (b) of § 1301 of the Revenue Act of 1918 (Title XIII—General Administrative Provisions), cited above

The term "collectors" means collectors of internal revenue See § 6371¼a, post

§ 5859a. Collection of internal revenue—For expenses of assessing and collecting the internal-revenue taxes, including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia and not to exceed $11,500 for rental of quarters in the District of Columbia, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts $31,750,000, of which amount not to exceed $10,750,000 may be expended for personal services in the District of Columbia. Provided, That not more than $100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal revenue laws or conniving at the same, including payments for information and detection of such violation (Jan 22, 1925, c. 87, title I, 43 Stat 770.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 5859b.

The Agriculture Department appropriation act for the year 1926, Act Feb 10, 1925, c 200, 43 Stat. 845, contains the following provisions

"Enforcement of the United States Cotton Futures Act and United States Cotton Standards Act. To enable the Secretary of Agriculture to carry into effect the provisions of the United States Cotton Futures Act, as amended March 4, 1919, and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, including all expenses necessary for the purchase of equipment and supplies, for travel; for the employment of persons in the city of Washington and elsewhere, and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of these Acts, including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, $188,500."

§ 5859c. [Superseded.]

See ante, § 5859a

§ 5859d. Enforcement of National Prohibition Act and Narcotic Drugs Import and Export Act—For expenses to enforce the provisions of the National Prohibition Act and the Act entitled "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes" approved December 17, 1914, as amended by the Revenue Act of 1918 and the Act entitled "An Act to amend an Act entitled 'An Act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the Act of May 26, 1922, known as "The Narcotic Drugs Import and Export Act," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia to be appointed as authorized by law, not to exceed $50,000 for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith; the securing of evidence of violations of the Acts, and for the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices, and for rental of necessary quarters, in all, $11,000,000, of which amount not to exceed $1,300,000 may be expended for personal services in the District of Columbia Provided, That not to exceed $1,329,440 of the foregoing sum shall be expended for enforcement of the provisions of the said Acts of December 17, 1914, and May 26, 1922. * * (Jan 22, 1925, c 87, title I, 43 Stat 771.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

See, also, post, § 10138¼yy

§ 5859e. Salaries and expenses of internal revenue officers—For salaries and expenses of collectors of internal revenue, deputy collectors, gaugers, storekeepers, storekeeper-gaugers, clerks, messengers, and janitors in internal-revenue offices, rent of offices outside of the District of Columbia, telephone service, injuries to horses not exceeding $250 for any horse crippled or killed, expenses of seizure and sale, and other necessary miscellaneous expenses in collecting internal-revenue taxes: * * Provided further, That no part of this amount shall be used in defraying the expenses of any officer, designated above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts." (Jan 22, 1925, c. 87, title I, 43 Stat. 770.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 5877a. [Repealed]

This section, which was § 463 of the Revenue Act of 1916, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¼a.

§ 5877aa. Leaves of absence; revenue agents and inspectors—All internal-revenue agents and inspectors shall be granted leave of absence with pay, which shall not be cumulative, not to exceed thirty days in any calendar year, under such regulations as the Commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 1302, 40 Stat. 1141.)

This section is § 1302 of the Revenue Act of 1918 (Title XIII—General Administrative Provisions), cited above It supersedes an identical provision in Act Sept 8, 1916, c 463, § 413, which was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¼a

The terms "Commissioner" and "Secretary" mean the Commissioner of Internal Revenue and the Secretary of the Treasury, respectively See § 6371¼a, post

§ 5884. Duties of collectors; reports of violations of law—It shall be the duty of every collector of internal revenue having knowledge of any willful violation of any law of the United States relating

to the revenue, within thirty days after coming into possession of such knowledge, to file with the district attorney of the district in which any fine, penalty, or forfeiture may be incurred, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, setting forth the provisions of law believed to be so violated on which reliance may be had for condemnation or conviction. (R. S. § 3164, amended, Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146, and re-enacted, Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311, and June 2, 1924, 4:01 p. m., c. 234, § 1018, 43 Stat. 344.)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921. It was re-enacted without change by § 1311 of the Revenue Act of 1921, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t. It was also re-enacted without change by § 1018 of the Revenue Act of 1924, also cited above.

§ 5885. Revenue officers; administering oaths and taking evidence.—Every collector, deputy collector, internal-revenue agent, and internal-revenue officer assigned to duty under an internal-revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken. (R. S. § 3165, amended, March 1, 1879, c. 125, § 2, 20 Stat. 329, Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146, and re-enacted, Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311, and June 2, 1924, 4:01 p. m., c. 234, § 1018, 43 Stat. 344.)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921. It was re-enacted without change by § 1311 of the Revenue Act of 1921, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t. It was also re-enacted without change by § 1018 of the Revenue Act of 1924, also cited above.

§ 5887. Same; disclosing operations of manufacturers.—It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. (R. S. § 3167, amended, Aug. 27, 1894, c. 349, § 34, 28 Stat. 559, Oct. 3, 1913, c. 16, § II, I, 38 Stat. 177, Sept. 8, 1916, c. 463, § 16, 39 Stat. 773, Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146, and re-enacted, Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311, and June 2, 1924, 4:01 p. m., c. 234, § 1018, 43 Stat. 345.)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921. It was re-enacted without change by § 1311 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t. It was also re-enacted without change by § 1018 of the Revenue Act of 1924, also cited above.

Chapter Two—Of Assessments and Collections

§ 5895. Canvass for objects of taxation.—Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects. (R. S. § 3172, amended, Aug. 27, 1894, c. 349, § 34, 28 Stat. 558, Oct. 3, 1913, c. 16, § II, I, 38 Stat. 178, Sept. 8, 1916, c. 463, § 16, 39 Stat. 773, Feb. 24, 1919, c. 18, § 1317, 40 Stat. 1146, and re-enacted, Nov. 23, 1921, c. 136, § 1311, 42 Stat. 311, and June 2, 1924, 4:01 p. m., c. 234, § 1018, 43 Stat. 345.)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921. It was re-enacted without change by § 1311 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t. It was also re-enacted without change by § 1018 of the Revenue Act of 1924, also cited above.

§ 5896. Returns of persons liable to tax.—It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, (1) in case of a special tax, on or before the thirty-first day of July in each year, and (2) in other cases before the day on which the taxes accrue, to make a list or return, verified by oath, to the collector or a deputy collector of the district where located, of the articles or objects, including the quantity of goods, wares, and merchandise, made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: Provided, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, article or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: Provided further, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time

required, or delivers any return which, in the opinion of the collector, is erroneous, false, or fraudulent, or contains any undervaluation or understatement, or refuses to allow any regularly authorized Government officer to examine the books of such person, firm, or corporation, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof The collector may summon any person residing or found within the State or Territory in which his district lies and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned· Provided, That "person," as used in this section, shall be construed to include any corporation, joint-stock company or association, or insurance company when such construction is necessary to carry out its provisions (R S § 3173, amended, March 1, 1879, c 125, § 3, 20 Stat 330, Aug 27, 1894, c 349, § 34, 28 Stat. 558, Oct. 3, 1913, c 16, § II. I, 38 Stat 178, Sept. 8, 1916, c 463, § 16, 39 Stat 773, Feb 24, 1919, c 18, § 1317, 40 Stat 1146, and re-enacted, Nov 23, 1921, c 136, § 1311, 42 Stat 312, and June 2, 1924, 4 01 p. m, c 234, § 1018, 43 Stat 345)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1311 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t It was also re-enacted without change by § 1018 of the Revenue Act of 1924, also cited above.

§§ 5896a, 5896b. [Repealed.]

These sections, which were §§ 1002, 1004, of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat. 325, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a.

§ 5899. Collector to make returns; time allowed for filing; failure to file—If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case the Commissioner of Internal Revenue may, from his own knowledge and from such information as he can obtain through testimony or otherwise, make a return or amend any return made by a collector or deputy collector. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes

If the failure to file a return (other than a return under Title II of the Revenue Act of 1924) or a list is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

The Commissioner of Internal Revenue shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner of Internal Revenue or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount

The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax (R. S. § 3176, amended, March 1, 1879, c 125 § 3, 20 Stat 331, Aug 27, 1894, c 349, § 34, 28 Stat. 559, Oct. 3, 1913, c. 16, § II. I, 38 Stat 179, Sept. 8, 1916, c 463, § 16, 39 Stat 773, Feb 24, 1919, c. 18, § 1317, 40 Stat 1147, re-enacted Nov. 23, 1921, c. 136, § 1311, 42 Stat. 313, and amended, June 2, 1924, 4:01 p m., c. 234, § 1003, 43 Stat 339)

This section was amended by § 1317 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1311 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t This section was also amended by § 1003 of Title X of the Revenue Act of 1924, cited above, to read as set forth above Section 16 of the Revenue Act of 1916, which also amended this section, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 5908. Lien for taxes—If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person· Provided, however, That such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the collector in the office of the clerk of the district court of the district within which the property subject to such lien is situated: Provided further, That whenever any State by appropriate legislation authorizes the filing of such notice in the office of the registrar or recorder of deeds of the counties of that State, and in the State of Louisiana in the parishes thereof, and in the States of Connecticut, Rhode Island, and Vermont in the office of the registrar or recorder of deeds or town or city clerk having custody of the land records of the towns and cities, then such lien shall not be valid in that State against any mortgagee, purchaser, or judgment creditor until such notice shall be filed in the office of the registrar or recorder of deeds of the county or counties, or parish or parishes in the State of Louisiana, or in the office of the registrar or recorder of deeds or town or city clerk having custody of the land records in the States of Connecticut, Rhode Island, and Vermont of the towns or cities within which the property subject to the lien is situated. (R. S. § 3186, amended, March 1, 1879, c. 125, §. 3, 20 Stat. 331, March 4, 1913, c. 166, 37 Stat. 1016, and Feb. 26, 1925, c. 344, 43 Stat. 994.)

This section was again amended by Act Feb. 26, 1925, c. 344, cited above, to read as set forth above.

§ 5909. Distraint for taxes—If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with five per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid: Provided, That there shall be

exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market-value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days, fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use to an amount not greater than three hundred dollars; and the books, tools, or implements, of a trade or profession, to an amount not greater than one hundred dollars shall also be exempt, and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt (R S § 3187, amended, June 2, 1924, 4.01 p. m., c. 234, § 1016, 43 Stat 343)

This section is § 1016 of Title X of the Revenue Act of 1924, cited above, amending R S § 3187

§ 5917. Distraint for taxes; when property not divisible—When any property liable to distraint for taxes is not divisible, so as to enable the collector by sale of a part thereof to raise the whole amount of the tax, with all costs and charges, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for the costs and charges of the distraint and sale, shall be deposited with the Treasurer of the United States as provided in subdivision (b) of section 3210 (R S § 3195, amended, June 2, 1924, 4 01 p m., c 234, § 1031(a), 43 Stat 351)

This section is § 1031(a) of Title X of the Revenue Act of 1924, cited above, amending R S § 3195

§ 5929. Chancery proceedings against real estate—(a) In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed, in a district court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States

(b) Any person having a lien upon or any interest in such real estate, notice of which has been duly filed of record in the jurisdiction in which the real estate is located, prior to the filing of notice of the lien of the United States as provided by section 3186 of the Revised Statutes as amended, or any person purchasing the real estate at a sale to satisfy such prior lien or interest, may make written request to the Commissioner of Internal Revenue to direct the filing of a bill in chancery as provided in subdivision (a), and if the Commissioner fails to direct the filing of such bill within six months after receipt of such written request, such person or purchaser may, after giving notice to the Commissioner, file a petition in the district court of the United States for the district in which the real estate is located, praying leave to file a bill for a final determination of all claims to or liens upon the real estate in question After a full hearing in open court, the district court may in its discretion enter an order granting leave to file such bill in which the United States and all persons having liens upon or claiming any interest in the real estate shall be made parties Service on the United States shall be had in the manner provided by sections 5 and 6 of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States" Upon the filing of such bill the district court shall proceed to adjudicate the matters involved therein, in the same manner as in the case of bills filed under subdivision (a) of this section For the purpose of such adjudication, the assessment of the tax upon which the lien of the United States is based shall be conclusively presumed to be valid, and all costs of the proceedings on the petition and the bill shall be borne by the person filing the bill (R S § 3207, amended, June 2, 1924, 4 01 p. m., c 234, § 1030, 43 Stat. 350)

This section is § 1030 of Title X of the Revenue Act of 1924, cited above, amending R S § 3207

§ 5932. Collections paid into Treasury daily; exception—(a) Except as provided in subdivision (b) the gross amount of all taxes and revenues received under the provisions of this act, and collections of whatever nature received or collected by authority of any Internal-Revenue Law, shall be paid daily into the Treasury of the United States under instructions of the Secretary of the Treasury as internal-revenue collections, by the officer receiving or collecting the same, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description A certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the treasurer, assistant treasurer, designated depositary, or proper officer of a deposit bank, shall be transmitted to the Commissioner of Internal Revenue

(b) Sums offered in compromise under the provisions of section 3229 of the Revised Statutes and section 35 of Title II of the National Prohibition Act, sums offered for the purchase of real estate under the provisions of section 3208 of the Revised Statutes and surplus proceeds in any distraint sale, after making allowance for the amount of the tax, interest, penalties, and additions thereto, and for costs and charges of the distraint and sale, shall be deposited with the Treasurer of the United States in a special deposit account in the name of the collector making the deposit. Upon acceptance of such offer in compromise or offer for the purchase of such real estate, the amount so accepted shall be withdrawn by the collector from his special deposit account with the Treasurer of the United States and deposited in the Treasury of the United States as internal-revenue collections. Upon the rejection of any such offer, the Commissioner shall authorize the collector, through whom the amount of such offer was submitted, to refund to the maker of such offer the amount thereof In the case of surplus proceeds from distraint sales the Commissioner shall, upon application and satisfactory proof in support thereof, authorize the collector through whom the amount was received to refund the same to the person or persons legally entitled thereto. (R S. § 3210, amended, June 2, 1924, 4.01 p. m., c. 234, § 1031(b), 43 Stat. 351.)

This section is § 1031(b) of Title X of the Revenue Act of 1924, cited above, amending R. S § 3210

§ 5944. Refundments; taxes or penalties—The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes

erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section (R S § 3220, amended, Feb 24, 1919, c 18, § 1316(a), 40 Stat. 1145, and re-enacted Nov 23, 1921, c 136 § 1315, 42 Stat. 314, and June 2, 1924, 4.01 p m., c. 234, § 1011, 43 Stat. 342)

This section was amended by § 1316 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1315 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t It was again re-enacted without change by § 1011 of the Revenue Act of 1924, also cited above

For current appropriation for refunding, under this section, of taxes illegally collected, see Act Jan 20, 1925, c 85, § 1, 43 Stat 757

§ 5944a. Refundments; taxes on distilled spirits—The Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of $2 20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were taxpaid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises: Provided, That the Commissioner of Internal Revenue may direct that any spirits on which refund of tax is claimed under this section shall be removed to and stored in a warehouse designated by him (Feb 11, 1925, c 208, 43 Stat. 860)

This section is an act entitled "An act to refund taxes paid on distilled spirits in certain cases," cited above.

§ 5948. [Repealed]

This section was amended by § 1316 of the Revenue Act of 1918, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1323 of the Revenue Act of 1921, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t This section (R S § 3225 as amended) is repealed by § 1015 of the Revenue Act of 1924, post, § 5948a Section 14 of the Revenue Act of 1916, which also amended this section, was repealed by § 1400 of the Revenue Act of 1918. See, post, § 6371¾a

§ 5948a. Repeal of R. S. § 3225; reopening of claims for credits or refunds of taxes imposed by Revenue Acts of 1916, 1917, 1918 and 1921—Section 3225 of the Revised Statutes, as amended, is repealed and any claim for credit or refund of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, the Revenue Act of 1921, or any such Act as amended, heretofore denied in whole or in part because of the provisions of such section may be reopened and decided without reference to its provisions (June 2, 1924, 4 01 p. m, c. 234, § 1015, 43 Stat 343.)

This section is § 1015 of Title X of the Revenue Act of 1924, cited above See note to § 5948, ante.

§ 5949. Suits for recovery of taxes wrongfully collected—No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum, unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates The Commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail (R S § 3226, amended, Feb 27, 1877, c 69, § 1, 19 Stat 248, Nov 23, 1921, c 136, § 1318, 42 Stat 315, March 4, 1923, c. 276, § 2, 42 Stat 1505, and June 2, 1924, 4.01 p m, c 234, § 1014(a), 43 Stat 343)

This section was again amended by § 1318 of the Revenue Act of 1921, cited above to read as follows "No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum"

It was again amended by Act March 4, 1923, c 276, § 2, cited above to read as follows

"No suit or proceeding shall be maintained in any court for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of five years from the date of the payment of such tax, penalty, or sum, unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates The Commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail"

Said section 1318 of the Revenue Act of 1921 was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t, and this section, as amended, was again amended by § 1014(a) of Title X of the Revenue Act of 1924, cited above See, also, post, § 5949a.

§ 5949a. Same; suits instituted prior to amendment of preceding section—This section shall not affect any proceeding in court instituted prior to the enactment of this Act (June 2, 1924, 4·01 p m, c. 234, § 1014(b), 43 Stat. 343.)

This section is § 1014(b) of Title X of the Revenue Act of 1924, cited above

The corresponding provision in § 1318 of the Revenue Act of 1921, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t.

§ 5950. [Repealed]

This section (R. S § 3227), was repealed by § 1319 of the Revenue Act of 1921, Act Nov 23, 1921, c 136, 42 Stat 315 Said § 1319 provides that the repeal shall not affect any suit or proceeding instituted prior to the passage of the act (the Revenue Act of 1921)

§ 5951. Claims for refundment; limitations; claims already barred—(a) All claims for the refunding or crediting of any internal-revenue tax al-

leged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as provided in section 281 of the Revenue Act of 1924, be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax, penalty, or sum

(b) Except as provided in section 281 of the Revenue Act of 1924, claims for credit or refund (other than claims in respect of taxes imposed by the Revenue Act of 1916, the Revenue Act of 1917, or the Revenue Act of 1918) which at the time of the enactment of the Revenue Act of 1921 were barred from allowance by the period of limitation then in existence, shall not be allowed (R S § 3228, amended, Nov. 23, 1921, c 136, § 1316, 42 Stat 314, and June 2, 1924, 4.01 p. m., c 234, § 1012, 43 Stat. 342.)

This section is § 1012 of Title X of the Revenue Act of 1924, cited above, amending R S § 3228, as amended Section 1316 of the Revenue Act of 1921, cited above, also amending this section, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t

§ 5951a. [Repealed.]

This section (a part of § 1316 of the Revenue Act of 1921) was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t. See, also, ante, § 5951, and notes thereunder

Chapter Three—Special Taxes

§§ 5980a–5980m. [Repealed.]

These sections, which were §§ 407-410, 412, of the Revenue Act of 1916, Act Sept. 8, 1916, c 463, 39 Stat 789-793, were repealed by § 1400 of the Revenue Act of 1918, post, § 6371½a. See, post, §§ 5980n-5980r, and notes thereunder.

CAPITAL STOCK TAX

§ 5980n. Amount; returns—(a) On and after July 1, 1924, in lieu of the tax imposed by section 1000 of the Revenue Act of 1921—

(1) Every domestic corporation shall pay annually a special excise tax with respect to carrying on or doing business, equivalent to $1 for each $1,000 of so much of the fair average value of its capital stock for the preceding year ending June 30 as is in excess of $5,000. In estimating the value of capital stock the surplus and undivided profits shall be included;

(2) Every foreign corporation shall pay annually a special excise tax with respect to carrying on or doing business in the United States, equivalent to $1 for each $1,000 of the average amount of capital employed in the transaction of its business in the United States during the preceding year ending June 30.

(b) The taxes imposed by this section shall not apply in any year to any corporation which was not engaged in business (or, in the case of a foreign corporation, not engaged in business in the United States) during the preceding year ending June 30, nor to any corporation enumerated in section 231, nor to any insurance company subject to the tax imposed by section 243 or 246.

(c) Section 257 shall apply to all returns filed with the Commissioner for purposes of the tax imposed by this section. (June 2, 1924, 4 01 p. m., c. 234, § 700, 43 Stat. 325.)

This section is § 700 of Title VII of the Revenue Act of 1924, cited above.

For §§ 231, 243, 246, 257, mentioned in this section, see post, §§ 6336¼nn, 6336¼t(2) 6336¼t(5). 6336¼v.

Sections 1000, 1001, 1002, 1003, 1004, 1005, 1009, of the Revenue Act of 1918 (Act Feb. 24, 1919, c 18), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371½j.

Sections 1000, 1001, 1002, 1003, 1004, of the Revenue Act of 1921 (Act Nov. 23, 1921, c. 136), are repealed by § 1100 of the Revenue Act of 1924, effective June 30, 1924. See post, § 6371½t.

MISCELLANEOUS OCCUPATIONAL TAXES

§ 5980o. Special taxes—On and after July 1, 1924, there shall be levied, collected, and paid annually the following special taxes—

(1) Brokers—Brokers, except brokers exclusively negotiating purchases or sales of produce or merchandise, shall pay $50 Every person whose business it is to negotiate purchases or sales of stock, bonds, exchange, bullion, coined money, bank notes, promissory notes, other securities, produce or merchandise, for others, shall be regarded as a broker. If any broker is a member of a stock exchange, or if he is a member of any produce exchange, board of trade, or similar organization, where produce or merchandise is sold, he shall (whether or not he is liable to any tax under the first sentence of this paragraph, and in addition to such tax, if any) pay an amount as follows If the average value, during the preceding year ending June 30, of a seat or membership in such exchange or organization was $2,000 or more but not more than $5,000, $100, if such value was more than $5,000 but not more than $10,000, $150; if such value was more than $10,000, $250.

(2) Pawnbrokers—Pawnbrokers shall pay $100. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be regarded as a pawnbroker.

(3) Ship brokers—Ship brokers shall pay $50. Every person whose business it is as a broker to negotiate freights and other business for the owners of vessels or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded as a ship broker.

(4) Customhouse brokers—Customhouse brokers shall pay $50. Every person whose occupation it is, as the agent of others, to arrange entries and other customhouse papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a customhouse broker.

(5) Bowling alley and billiard room proprietors—Proprietors of bowling alleys and billiard rooms shall pay $10 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, shall be regarded as a bowling alley or a billiard room, respectively, unless no charge is made for the use of the alleys or tables.

(6) Shooting gallery proprietors—Proprietors of shooting galleries shall pay $20. Every building, space, tent, or area, where a charge is made for the discharge of firearms at any form of target shall be regarded as a shooting gallery.

(7) Riding academy proprietors—Proprietors of riding academies shall pay $100. Every building, space, tent, or area, where a charge is made for instruction in horsemanship or for facilities for the practice of horsemanship shall be regarded as a riding academy: Provided, That this tax shall not be collected from associations composed exclusively of members of units of the Federalized National Guard or the Organized Reserve and whose receipts are used exclusively for the benefit of such units

(8) Passenger automobiles for hire—Persons carrying on the business of operating or renting passenger automobiles for hire shall pay $10 for each such automobile having a seating capacity of more than two and not more than seven, and $20 for each such automobile having a seating capacity of more than seven The tax imposed by this subdivision shall

not be collected in respect of automobiles used exclusively for conveying school children to and from school.

(9) Brewers, distillers, wholesale and retail liquor dealers, wholesale and retail dealers in malt liquor, and manufacturers of stills—Every person carrying on the business of a brewer, distiller, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquor, retail dealer in malt liquor, or manufacturer of stills, as defined in section 3244 as amended and section 3247 of the Revised Statutes, in any State, Territory, or District of the United States contrary to the laws of such State, Territory, or District, or in any place therein in which carrying on such business is prohibited by local or municipal law, shall pay, in addition to all other taxes, special or otherwise, imposed by existing law or by this Act, $1,000. The payment of the tax imposed by this subdivision shall not be held to exempt any person from any penalty or punishment provided for by the laws of any State, Territory, or District for carrying on such business in such State, Territory, or District, or in any manner to authorize the commencement or continuance of such business contrary to the laws of such State, Territory, or District, or in places prohibited by local or municipal law.

Taxes to be in lieu of other taxes—The taxes imposed by this section shall, in the case of persons upon whom a corresponding tax is imposed by section 1001 of the Revenue Act of 1921, be in lieu of such tax. (June 2, 1924, 4.01 p m, c. 234, § 701, 43 Stat. 326)

This section is § 701 of Title VII of the Revenue Act of 1924, cited above

SPECIAL TOBACCO MANUFACTURERS' TAX

§ 5980p. Amounts—On and after July 1, 1924, there shall be levied, collected, and paid annually, in lieu of the taxes imposed by section 1002 of the Revenue Act of 1921, the following special taxes, the amount of such taxes to be computed on the basis of the sales for the preceding year ending June 30—

Manufacturers of tobacco whose annual sales do not exceed fifty thousand pounds shall each pay $6,

Manufacturers of tobacco whose annual sales exceed fifty thousand and do not exceed one hundred thousand pounds shall each pay $12,

Manufacturers of tobacco whose annual sales exceed one hundred thousand and do not exceed two hundred thousand pounds shall each pay $24;

Manufacturers of tobacco whose annual sales exceed two hundred thousand pounds shall each pay $24, and at the rate of 16 cents per thousand pounds, or fraction thereof, in respect to the excess over two hundred thousand pounds;

Manufacturers of cigars whose annual sales do not exceed fifty thousand cigars shall each pay $4;

Manufacturers of cigars whose annual sales exceed fifty thousand and do not exceed one hundred thousand cigars shall each pay $6;

Manufacturers of cigars whose annual sales exceed one hundred thousand and do not exceed two hundred thousand cigars shall each pay $12;

Manufacturers of cigars whose annual sales exceed two hundred thousand and do not exceed four hundred thousand cigars shall each pay $24;

Manufacturers of cigars whose annual sales exceed four hundred thousand cigars shall each pay $24, and at the rate of 10 cents per thousand cigars, or fraction thereof, in respect to the excess over four hundred thousand cigars;

Manufacturers of cigarettes, including small cigars, weighing not more than three pounds per thousand, shall each pay at the rate of 6 cents for every ten thousand cigarettes, or fraction thereof.

In arriving at the amount of special tax to be paid under this section, and in the levy and collection of such tax, each person engaged in the manufacture of more than one of the classes of articles specified in this section shall be considered and deemed a manufacturer of each class separately.

In computing under this section the amount of annual sales no account shall be taken of tobacco, cigars, or cigarettes sold for export and in due course so exported (June 2, 1924, 4 01 p m., c 234, § 702, 43 Stat 327)

This section is § 702 of Title VII of the Revenue Act of 1924, cited above.

SPECIAL TAX ON USE OF BOATS

§ 5980q. Amounts—On and after July 1, 1924, and thereafter on July 1, in each year, and also at the time of the original purchase of a new boat by a user, if on any other date than July 1, there shall be levied, assessed, collected, and paid, in lieu of the tax imposed by section 1003 of the Revenue Act of 1921, upon the use of yachts, pleasure boats, power boats, sailing boats, and motor boats with fixed engines, of over five net tons and over thirty-two feet in length, not used exclusively for trade, fishing, or national defense, or not built according to plans and specifications approved by the Navy Department, a special excise tax to be based on each yacht or boat, at rates as follows: Yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, of over five net tons, length over thirty-two feet and not over fifty feet, $1 for each foot, length over fifty feet, and not over one hundred feet, $2 for each foot, length over one hundred feet, $4 for each foot.

In determining the length of such yachts, pleasure boats, power boats, motor boats with fixed engines, and sailing boats, the measurement of over-all length shall govern.

In the case of a tax imposed at the time of the original purchase of a new boat on any other date than July 1, the amount to be paid shall be the same number of twelfths of the amount of the tax as the number of calendar months (including the month of sale) remaining prior to the following July 1.

This section shall not apply to vessels or boats used without profit by any benevolent, charitable, or religious organizations, exclusively for furnishing aid, comfort, or relief to seamen (June 2, 1924, 4:01 p m., c. 234, § 703, 43 Stat. 328.)

This section is § 703 of Title VII of the Revenue Act of 1924, cited above.

PENALTY FOR NONPAYMENT OF SPECIAL TAXES

§ 5980r. Penalty or imprisonment—Any person who carries on any business or occupation for which a special tax is imposed by section 700, 701, or 702, without having paid the special tax therein provided, shall, besides being liable for the payment of such special tax, be subject to a penalty of not more than $1,000 or to imprisonment for not more than one year, or both. (June 2, 1924, 4:01 p. m., c. 234, § 704, 43 Stat. 328.)

This section is § 705 of Title VII of the Revenue Act of 1924, cited above.

For §§ 700, 701, 702, mentioned in this section, see, ante, §§ 5980n, 5980o, 5980p.

Chapter Four—Distilled Spirits and Wines

§§ 5986a-5986d. [Repealed.]

These sections, which were §§ 300, 303, 304, and 305 of the Revenue Act of 1917, Act Oct 3, 1917, c. 63, 40 Stat 308-310, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a. See, also, post, §§ 5986e-5986f.

§ 5986e. Tax on distilled spirits—(a) There shall be levied and collected on all distilled spirits now in bond or that have been or that may be hereafter produced in or imported into the United States, except such distilled spirits as are subject to the tax provided in section 604, in lieu of the internal-revenue taxes now imposed thereon by law, a tax of $2 20 (or, if withdrawn for beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage, a tax of $6 40) on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn, and collected under the provisions of existing law: Provided, That on all distilled spirits on which tax is paid at the nonbeverage rate of $2 20 per proof gallon and which are diverted to beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage, there shall be levied and collected an additional tax of $4 20 on each proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon, to be paid by the person responsible for such diversion. (Feb 24, 1919, c 18, § 600(a), 40 Stat 1105, amended, Nov. 23, 1921, c. 136, § 600, 42 Stat 285)

This section, subdivision (a) of § 600 the Revenue Act of 1918, cited above, was amended by § 600 of the Revenue Act of 1921 (Title VI—Tax on Beverages and Constituent Parts Thereof), cited above, by adding the proviso, as set forth above

§ 5986f. Same; spirits in bonded warehouses during prohibition period; bonds—(b) The tax imposed by subdivision (a) on distilled spirits intended for beverage purposes shall not be due or payable on such spirits while stored in any distillery, bonded warehouse, or special or general bonded warehouse, and which, pursuant to any Act of Congress or proclamation of the President of the United States, cannot be lawfully sold or removed from any such warehouse during the period of prohibition fixed by such Act or proclamation, and all warehousing bonds or transportation and warehousing bonds conditioned for the payment of tax on any such spirits so stored on the date such prohibition takes effect shall as to all such spirits actually so stored be canceled and discharged, provided the distiller of such spirits shall in lieu of such bonds and prior to their cancellation execute a bond in a penal sum of not less than $10,000, with sureties satisfactory to the collector of the district, conditioned that the principal shall, during the period of such prohibition, safely keep or cause to be kept in good condition all such spirits and the warehouse in which the same are stored, and shall not remove or suffer to be removed from warehouse, contrary to law, any such spirits during the period of such prohibition; and the bond herein prescribed shall be in such further sum and shall contain such further conditions as the Commissioner, with the approval of the Secretary, may by regulations require The distiller may, subject to the provisions of this section, be permitted to retain in any such bonded warehouse distilled spirits on which, under the terms of any existing bond, the tax imposed thereon becomes due and payable prior to the date such prohibition takes effect: Provided, That on the removal of such prohibition the distiller shall, as to all spirits as to which the bonded period fixed by law has not expired and which remain stored in warehouse, execute new and satisfactory bond in the form required by existing law, conditioned for the payment of the tax on all such spirits; and all provisions of existing law relating to such bonded warehouses, or the storage of spirits therein, or to the execution of new or additional bonds, so far as applicable, shall continue in force as to all distilled spirits rebonded under the provisions of this section (Feb 24, 1919, c 18, § 600 (b), 40 Stat 1105)

This section is a part of subdivision (b) of § 600 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 5986g. Same; loss by leakage—Upon the withdrawal of distilled spirits from bonded warehouse, after the period of prohibition has ended, and under the conditions imposed by section 50 of an Act entitled "An Act to reduce taxation, to provide revenue for the support of the Government, and for other purposes," approved August 28, 1894, an allowance for loss by leakage or other unavoidable cause, not exceeding one proof gallon as to packages of a capacity of not less than 40 wine gallons, may be made in addition to that provided in said section 50, as amended, and a like additional allowance of one proof gallon as to each package withdrawn may be made for each period of four months or fraction thereof, for such spirits as shall have remained in warehouse during the period of prohibition and after the expiration of the maximum leakage period fixed by that section (Feb 24, 1919, c. 18, § 600(b), 40 Stat. 1105)

This section is a part of subdivision (b) of § 600 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

Section 50 of Act Aug 28, 1894, referred to in this section, is Act Aug 27, 1894, c 394, § 50 (see U S Comp. St 1918, § 6051)

§ 5986g(1). Tax on distilled spirits; allowance for loss by leakage—Upon withdrawal of distilled spirits from any internal-revenue bonded warehouse, in lieu of the allowance provided in subdivision (b) of section 600 of the Revenue Act of 1918, an allowance for loss by leakage or evaporation not exceeding one proof gallon as to casks or packages of a capacity of not less than forty wine gallons and one-half proof gallon as to casks or packages of a capacity of less than forty wine gallons and not less than twenty wine gallons, for each period of six months, or fraction thereof, after the expiration of seven years from the date of original entry or gauge, may be made in addition to, and under the conditions imposed by, section 50 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894, as amended. (Feb 6, 1925, c 143, § 1, 43 Stat 808)

This section, and the two sections next following, are an act entitled "An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes," cited above

For Act Aug. 27, 1894, c 349, § 50, referred to in this section, see U S Comp St 1918, § 6051

§ 5986g(2). Same; allowance for loss by leakage; regauges—The allowance for loss by leakage or evaporation under this Act and under section 50 of said Act of August 27, 1894, shall be made without regard to any regauge made prior to the enactment of this Act, and a regauge within seven years from the date of the original gauge shall not be necessary. (Feb. 6, 1925, c 143, § 2, 43 Stat. 809.)

See note to § 5986g(1), ante.

§ 5986g(3). Same; allowance for loss by leakage; exception—This Act shall not apply to distilled spirits withdrawn prior to the date of its enactment. (Feb. 6, 1925, c 143, § 3, 43 Stat 809)

See note to § 5986g(1), ante.

§ 5986h. Same; retention in warehouse during prohibitory period—Under regulations prescribed by the Secretary, any imported distilled spirits, wines or other liquors which may be in any customs bonded warehouse under the customs laws on the date such prohibition takes effect shall be permitted to remain therein without payment of any taxes or duties thereon, beyond the three-year period provided in section 2971 of the Revised Statutes, during such period of prohibition; and may be exported at any

time during such extended period Any imported spirits, wines or other liquors as to which the three-year bonded period may expire after the passage of this Act and prior to the date such prohibition takes effect may at the option of the owner remain in bond during such period of prohibition. (Feb. 24, 1919, c 18, § 600(b), 40 Stat 1106)

This section is a part of subdivision (b) of § 600 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

For Revised Statutes, § 2971, referred to in this section, see U S Comp St 1918, § 5657

§ 5986i. Same; imported perfumes containing distilled spirits—(c) In lieu of the internal-revenue tax now imposed thereon by law there shall be levied and collected upon all perfumes hereafter imported into the United States containing distilled spirits, a tax of $1 10 per wine gallon, and a proportionate tax at a like rate on all fractional parts of such wine gallon Such tax shall be collected by the collector of customs and deposited as internal-revenue collections, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 600(c), 40 Stat. 1106.)

This section is subdivision (c) of § 600 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 5986j. Same; floor tax—Upon all distilled spirits produced in or imported into the United States upon which the internal-revenue tax now imposed by law has been paid, and which, on the day after the passage of this Act, are held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor tax of $3 20 (if intended for sale for beverage purposes or for use in the manufacture or production of any article used or intended for use as a beverage) on each proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon. (Feb. 24, 1919, c 18, § 604, 40 Stat 1107)

This section is § 604 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 5986k. Same; additional tax on rectified, purified, or refined distilled spirits or wines; floor tax—In addition to the tax imposed by this Act on distilled spirits and wines, there shall be levied, assessed, collected, and paid, in lieu of the tax imposed by section 304 of the Revenue Act of 1917, a tax of 30 cents on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon on all distilled spirits or wines hereafter rectified, purified, or refined in such manner, and on all mixtures hereafter produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier within the meaning of section 3244 of the Revised Statutes, as amended: Provided, That this tax shall not apply to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics

Upon all such articles heretofore produced, and which on the day after the passage of this Act are held by any person and intended for sale, there shall be levied, assessed, collected, and paid a floor tax of 15 cents on each proof gallon, and a proportionate tax at a like rate on all fractional parts of each proof gallon, and all such distilled spirits so held and not contained in the distillers' original stamped packages, or in bottles or other containers bearing the distillers' original labels, shall for the purpose of this section be regarded as rectified spirits.

When the process of rectification is completed and the taxes prescribed by this section have been paid, it shall be unlawful for the rectifier or other dealer to reduce in proof or increase in volume such spirits or wine by the addition of water or other substance; nothing herein contained shall however, prevent a rectifier from using again in the process of rectification spirits already rectified and upon which the taxes have theretofore been paid

The taxes imposed by this section shall not attach to cordials or liqueurs on which a tax is imposed and paid under section 611 or 613, nor to the mixing and blending of wines, where such blending is for the sole purpose of perfecting such wines according to commercial standards, nor to blends made exclusively of two or more pure straight whiskies aged in wood for a period not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below ninety proof Provided, That such blended whiskies shall be exempt from tax under this section only when compounded under the immediate supervision of a revenue officer, in such tanks and under such conditions and supervision as the Commissioner, with the approval of the Secretary, may prescribe.

All distilled spirits or wines taxable under this section, shall be subject to uniform regulations concerning the use thereof in the manufacture, blending, compounding, mixing, marking, branding, and sale of whisky and rectified spirits, and no discrimination whatsoever shall be made by reason of a difference in the character of the material from which same may have been produced

The business of a rectifier of spirits shall be carried on, and the tax on rectified spirits shall be paid, under such rules, regulations, and bonds as may be prescribed by the Commissioner, with the approval of the Secretary

Whoever violates any of the provisions of this section shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or imprisoned not more than two years, and shall, in addition, be liable to double the tax evaded, together with the tax, to be collected by assessment or on any bond given.

The process of extraction of water from high-proof spirits for the production of absolute alcohol shall not be deemed to be rectification within the meaning of section 3244 of the Revised Statutes, and absolute alcohol shall not be subject to the tax imposed by this section, but the production of such absolute alcohol shall be under such regulations as the Commissioner, with the approval of the Secretary, may prescribe. (Feb 24, 1919, c. 18, § 605, 40 Stat 1108, amended, Nov. 23, 1921, c. 136, § 601, 42 Stat. 285)

This section § 605 of the Revenue Act of 1918, cited above, was amended by § 601 of the Revenue Act of 1921 (Title VI—Tax on Beverages and Constituent Parts Thereof), cited above, by adding thereto the last paragraph, as set forth above

For Revised Statutes, § 3244, mentioned in this section, see U S Comp St 1918, § 5970(3)

§ 5986l. Wholesale liquor dealers' stamps in exchange for stamps for rectified spirits; discontinued stamps—Hereafter collectors shall not furnish wholesale liquor dealer's stamps in lieu of and in exchange for stamps for rectified spirits unless the package covered by stamp for rectified spirits is to be broken into smaller packages.

The Commissioner, with the approval of the Secretary, is authorized to discontinue the use of the following stamps whenever in his judgment the interests of the Government will be subserved thereby:

Distillery warehouse, special bonded warehouse, special bonded rewarehouse, general bonded warehouse, general bonded retransfer, transfer brandy, export tobacco, export cigars, export oleomargarine, and export fermented-liquor stamps. (Feb. 24, 1919, c. 18, § 606, 40 Stat. 1108.)

This section is § 606 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 5990. Brandy made from apples and other fruits—The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, plums, pawpaws, persimmons, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon when in his judgment it may seem expedient to do so: Provided, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: And provided further, That the distillers mentioned in this section may add to not less than five hundred gallons (or ten barrels) of grape cheese not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material. (R. S. § 3255, amended, June 3, 1896, c 309, 29 Stat. 195, Feb. 4, 1901, c. 195, 31 Stat. 759, March 2, 1911, c. 198, 36 Stat. 1014, Sept. 8, 1916 c 463, § 404, 39 Stat. 788, and Feb. 24, 1919, c. 18, § 625, 40 Stat. 1114.)

This section was again amended by § 625 of the Revenue Act of 1918, cited above, to read as set forth above. This amendment consists in the striking out, in the first proviso, after the words "may be used in the distillation of brandy," the word "as," and in substituting therefor the word "and"

Section 404 of the Revenue Act of 1916, which amended this section, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6002. Surveys of distilleries—On receipt of notice that any person, firm, or corporation wishes to commence the business of distilling, the collector, or a deputy collector, to be designated by him, shall proceed in person, at the expense of the United States, with the aid of an assistant designated by the Commissioner of Internal Revenue for the purpose of making surveys of distilleries in that district, to make a survey of such distillery for the purpose of estimating and determining its true spirit-producing capacity for a day of twenty-four hours.

In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operated on the sour-mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquid passes into the fermenting tub, there shall hereafter be no limitation upon the number of gallons of water which may be used in the process of mashing or filtration for fermentation; but the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in order to protect the revenue, shall be authorized to prescribe by regulation, to be made by him, such character of survey as he may find suitable for distilleries using such filtration-aeration process. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries.

A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller. Whenever the Commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make in like manner another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore required: Provided, That the survey of any distillery estimated and stated by the distiller, in his notice of intention to distill, as capable of distilling not more than one hundred and fifty proof-gallons of distilled spirits every twenty-four hours may be made by the collector or by a deputy collector without the aid of an assistant, and that all surveys made for the purpose of correcting clerical errors or errors of computation existing in the report of a previous survey, and all surveys made for the purpose of changing the true spirit-producing capacity of any distillery for a day of twenty-four hours as estimated and determined by a previous survey, but which surveys do not require the remeasuring of the fermenting-tubs in a grain or molasses distillery, or the still or stills in a distillery of apples, peaches, or grapes exclusively, may be made without taking the measurements of the fermenting tubs or stills, as the case may be, and without revisiting the distillery: And provided further, That the Commissioner of Internal Revenue may, whenever he shall deem it proper, designate an officer, agent, or person other than the collector or deputy collector, to make, with or without the aid of a designated assistant, the surveys and resurveys hereinabove provided for (R. S § 3264, amended March 1, 1879, c 125, § 5, 20 Stat. 334, June 22, 1910, c 329, § 1, 36 Stat 590, Sept. 8, 1916, c. 463, § 402(1), 39 Stat 787, Feb 24, 1919, c. 18, § 623, 40 Stat 1114.)

This section was again amended by § 623 of the Revenue Act of 1918, cited above, to read as set forth above

This amendment makes no change in the section as last amended by Act Sept 8, 1916, c 463, § 402(1), except that, in the second paragraph, after the words 'and only the filtered," the word "liquid" is substituted for the word "liquor"

Section 402 of the Revenue Act of 1916, which also amended this section, was repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a

§ 6017a. Installation of meters, tanks, and other apparatus—The Commissioner, with the approval of the Secretary, is hereby authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises. (Feb. 24, 1919, c. 18, § 607, 40 Stat. 1109.)

This section is § 607 of the Revenue Act of 1918 (Title VI —Tax on Beverages), cited above

Section 306 of the Revenue Act of 1917, Act Oct. 3, 1917, c 63, 40 Stat. 311, for which this section is a substitute, was repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a.

§ 6024a. Distilling between 11 p. m. of Saturday and 1 a. m. of Monday; exception—Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, the manufacture, warehousing, withdrawal, and shipment, under the provisions of existing law, of ethyl alcohol for other than (1) beverage purposes or (2) use in the manufacture or production of any article used or intended

for use as a beverage, and denatured alcohol, may be exempted from the provisions of section 3283 of the Revised Statutes (Feb 24, 1919, c. 18, § 602, 40 Stat. 1107)

This section is a part of § 602 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above
For R S § 3283, referred to in this section, see U. S Comp St 1918, § 6024
Section 302 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 309, for which this section is a substitute, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6026a. [Repealed]

This section, which was § 302 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 309, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6028a. Filling packages of alcohol and high-proof spirits with reduced spirits from receiving cisterns and payment of tax without entry into bonded warehouses—At registered distilleries producing alcohol, or other high-proof spirits, packages may be filled with such spirits reduced to not less than one hundred proof from the receiving cisterns and tax paid without being entered into bonded warehouse Such spirits may be also transferred from the receiving cisterns at such distilleries, by means of pipe lines, direct to storage tanks in the bonded warehouse and may be warehoused in such storage tanks Such spirits may be also transferred in tanks or tank cars to general bonded warehouses for storage therein, either in storage tanks in such warehouses or in the tanks in which they were transferred. Such spirits may also be transferred from receiving cisterns or warehouse storage tanks to barrels, drums, tanks, tank cars, or other approved containers, and may be transported in such containers for exportation or other lawful purposes The Commissioner, with the approval of the Secretary, is hereby empowered to prescribe all necessary regulations relating to the drawing off, transferring, gauging, storing, and transporting of such spirits, the records to be kept and returns to be made, the size and kind of packages and tanks to be used; the marking, branding, numbering, and stamping of such packages and tanks; the kinds of stamps, if any, to be used; and the time and manner of paying the tax; the kind of bond and the penal sum of same The tax prescribed by law must be paid before such spirits are removed from the distillery premises, or from general bonded warehouse in the case of spirits transferred thereto, except as otherwise provided by law. (Feb. 24, 1919, c 18, § 602, 40 Stat. 1106)

This section, and the section next following, are a part of § 602 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above
Section 302 of the Revenue Act of 1917, Act Oct. 3, 1917, c 63, 40 Stat 309, for which these sections are a substitute, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6028b. Drawing distilled spirits from receiving cisterns for deposit in distillery warehouse without warehouse stamp; withdrawal on original gauge—Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, distilled spirits may hereafter be drawn from receiving cisterns and deposited in distillery warehouses without having affixed to the packages containing the same, distillery warehouse stamps, and such packages, when so deposited in warehouse, may be withdrawn therefrom on the original gauge where the same have remained in such warehouse for a period not exceeding thirty days from the date of deposit. (Feb. 24, 1919, c. 18, § 602, 40 Stat. 1107)

See note to § 6028a, ante.

§ 6051.

See, ante, §§ 5986g(1)-5986g(3), and notes thereunder.

§ 6059a. Removal of distilled spirits from bonded warehouse to other warehouse for purpose of concentration; bottling in bond in warehouse to which removed—For purpose of concentration, upon the initiation of the Commissioner of Internal Revenue and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bonded warehouses, and in transit between such warehouses. * * (Jan 22, 1925, c 87, title I, 43 Stat 770)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above Similar provisions are contained in prior acts

§ 6070a. Bottling of spirits in bond; gin for export without payment of tax—Distilled spirits known commercially as gin of not less than 80 per centum proof may at any time within eight years after entry in bond at any distillery be bottled in bond at such distillery for export without the payment of tax, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c 18, § 626, 40 Stat. 1115)

This section is § 626 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above
Section 405 of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 788, for which this section is a substitute, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6089a. Exemption of distillers of ethyl alcohol from provisions of R. S. §§ 3264, 3285, 3309—The Commissioner, with the approval of the Secretary, may by regulations exempt distillers of ethyl alcohol, for use in the production of munitions of war, or for other nonbeverage purposes, from so much of the provisions of sections 3264, 3285, or 3309 of the Revised Statutes, and Acts amendatory thereof, respecting the survey of distilleries, the period of fermentation, the filling and emptying of fermenting tubs, and assessments, as, in his judgment, may be expedient: Provided, That the bond prescribed in section 3260 of the Revised Statutes shall, in the cases herein provided, be in such sum and contain such further conditions as the Commissioner may require. (Feb. 24, 1919, c 18, § 602, 40 Stat. 1107.)

This section is a part of § 602 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.
For Revised Statutes, §§ 3264, 3285, 3309, and 3260, referred to in this section, see U S. Comp St. 1918, §§ 6002, 6026, 6089, and 5997

§ 6097. Restamping when stamp lost or destroyed—The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue stamps for restamping packages of distilled spirits, tobacco, cigars, snuff, cigarettes, fermented liquors, and wines which have been duly stamped but from which the stamps have been lost or destroyed by unavoidable accident. (R. S. § 3315, amended, March 1, 1879, c 125, § 5, 20 Stat. 338, Feb. 24, 1919, c. 18, § 1315, 40 Stat 1145, and re-enacted, Nov. 23, 1921, c. 136, § 1330, 42 Stat. 319, and June 2, 1924, 4:01 p. m., c. 234, § 1027, 43 Stat. 349.)

This section was amended by § 1315 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1330 of the Revenue Act of 1921, cited above, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t It was also re-enacted without change by § 1027 of the Revenue Act of 1924, also cited above

§§ 6110a-6110e. [Repealed]

These sections, which were §§ 401, 402, of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 783, 784, and §§ 309, 310, 311 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 311, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a. As substitutes therefor see post, §§ 6110f-6110h.

§ 6110f. Natural wine and wine defined; sweetening wine—Natural wine within the meaning of this Act shall be deemed to be the product made

from the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, except such as may occur in the usual cellar treatment of clarifying and aging Provided, however, That the product made from the juice of sound, ripe grapes by complete fermentation of the must under proper cellar treatment and corrected by the addition (under the supervision of a gauger or storekeeper-gauger in the capacity of gauger) of a solution of water and pure cane, beet, or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) to the must or to the wine, to correct natural deficiencies, when such addition shall not increase the volume of the resultant product more than 35 per centum, and the resultant product does not contain less than five parts per thousand of acid before fermentation and not more than 13 per centum of alcohol after complete fermentation, shall be deemed to be wine within the meaning of this Act, and may be labeled, transported, and sold as "wine," qualified by the name of the locality where produced, and may be further qualified by the name of its own particular type or variety And provided further, That wine as defined in this section may be sweetened with cane sugar or beet sugar or pure condensed grape must and fortified under the provisions of this Act, and wines so sweetened or fortified shall be considered sweet wine within the meaning of this Act (Feb. 24, 1919, c 18, § 610, 40 Stat. 1109.)

This section is § 610 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6110g. Tax on still wines and compounds sold as still wines—Upon all still wines, including vermuth, and all artificial or imitation wines or compounds sold as still wine, which are hereafter produced in or imported into the United States, or which on the day after the passage of this Act are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by law, taxes at rates as follows, when sold, or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 16 cents per wine gallon, the per centum of alcohol taxable under this section to be reckoned by volume and not by weight,

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 40 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $1 per wine gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly (Feb. 24, 1919, c. 18, § 611, 40 Stat. 1110)

This section is § 611 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6110h. Withdrawal for fortification of grape brandy or wine spirits from fruit distillery or special bonded warehouse—Under such regulations and official supervision and upon the giving of such notices, entries, bonds, and other security as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this title, may withdraw from any fruit distillery or special bonded warehouse grape brandy, or wine spirits, for the fortification of such wines on the premises where actually made: Provided, That there shall be levied and assessed against the producer of such wines a tax (in lieu of the internal-revenue tax now imposed thereon by law) of 60 cents per proof gallon of grape brandy or wine spirits whenever withdrawn and hereafter so used by him in the fortification of such wines during the preceding month, which assessment shall be paid by him within ten months from the date of notice thereof Provided further, That nothing contained in this section shall be construed as exempting any wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this title (Feb 24, 1919, c. 18, § 612, 40 Stat. 1110)

This section is § 612 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6111. Fortifying pure sweet wines with wine spirits—Any producer of pure sweet wines may use in the preparation of such sweet wines, under such regulations and after the filing of such notices and bonds, together with the keeping of such records and the rendition of such reports as to materials and products as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, wine spirits produced by any duly authorized distiller, and the Commissioner of Internal Revenue, in determining the liability of any distiller of wine spirits to assessment under section 3300 of the Revised Statutes, is authorized to allow such distiller credit in his computations for the wine spirits withdrawn to be used in fortifying sweet wines under this Act (Oct. 1, 1890, c 1244, § 42, 26 Stat 621, amended, Oct 22, 1914, c 331, § 2, 38 Stat 747, Sept. 8, 1916, c 463, § 402(c), 39 Stat 784, and Feb 24, 1919, c. 18, § 617, 40 Stat 1111)

This section was again amended by § 617 of the Revenue Act of 1918, cited above to read as set forth above This amendment made no change in this section as it was last amended by Act Sept 8, 1916, c 463, § 402(c) Said § 402 was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6111a. [Repealed]

This section, which was § 312 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 312, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6111aa. Same; floor tax on grape brandy or wine spirits for fortification of sweet wines—Upon all sweet wines held for sale by the producer thereof upon the day after the passage of this Act there shall be levied, assessed, collected, and paid a floor tax equivalent to 30 cents per proof gallon upon the grape brandy or wine spirits used in the fortification of such wine. (Feb. 24, 1919, c. 18, § 615, 40 Stat 1111)

This section is § 615 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 6112. Same; wine spirits and sweet wine defined—The wine spirits mentioned in section 42 is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the product from grapes or their residues commonly known as grape brandy, and shall include commercial grape brandy which may have been colored with burnt sugar or caramel, and the pure sweet wine which may be fortified with wine spirits under the provisions of this Act is fermented or partially fermented grape juice only, with the usual cellar treatment, and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided: Provided, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar, or pure dextrose sugar containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis, or water, or any or all of them, to the pure grape juice before fermentation, or to the fermented product of such grape juice, or to both, prior to the fortification herein provided for, either for the purpose of perfecting sweet wines according to commercial standards or for mechanical purposes, shall not be excluded by the definition of pure sweet wine

aforesaid: Provided, however, That the cane or beet sugar, or pure dextrose sugar added for sweetening purposes shall not be in excess of 11 per centum of the weight of the wine to be fortified: And provided further, That the addition of water herein authorized shall be under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe: Provided, however, That records kept in accordance with such regulations as to the percentage of saccharine, acid, alcoholic, and added water content of the wine offered for fortification shall be open to inspection by any official of the Department of Agriculture thereto duly authorized by the Secretary of Agriculture; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this Act, where the same, after fermentation and before fortification, have an alcoholic strength of less than 5 per centum of their volume (Oct. 1, 1890, c. 1244, § 43, 26 Stat 621, amended, Aug 27, 1894, c 349, § 68, 28 Stat 568, June 7, 1906, c 3046, § 1, 34 Stat 215, Oct 22, 1914, c 331, § 2, 38 Stat 747, Sept 8, 1916, c 463, § 402(c), 39 Stat 785, Feb 24, 1919, c. 18, § 617, 40 Stat 1111)

This section was again amended by § 617 of the Revenue Acts of 1918, cited above, to read as set forth above. This amendment made no change in this section as it was last amended by Act Sept 8, 1916, c 463, § 402(c) Said § 402(c) was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¼a

§ 6114. Same; withdrawal of wine spirits—Under such regulations and official supervision, and upon the execution of such entries and the giving of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, any producer of pure sweet wines as defined by this Act may withdraw wine spirits from any special bonded warehouse in original packages or from any registered distillery in any quantity not less than eighty wine gallons, and may use so much of the same as may be required by him under such regulations, and after the filing of such notices and bonds and the keeping of such records and the rendition of such reports as to materials and products and the disposition of the same as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, in fortifying the pure sweet wines made by him, and for no other purpose, in accordance with the foregoing limitations and provisions, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized whenever he shall deem it to be necessary for the prevention of violations of this law to prescribe that wine spirits withdrawn under this section shall not be used to fortify wines except at a certain distance prescribed by him from any distillery, rectifying house, winery, or other establishment used for producing or storing distilled spirits, or for making or storing wines other than wines which are so fortified, and that in the building in which such fortification of wines is practiced no wines or spirits other than those permitted by this regulation shall be stored in any room or part of the building in which fortification of wines is practiced. The use of wine spirits for the fortification of sweet wines under this Act shall be under the immediate supervision of an officer of internal revenue, who shall make returns describing the kinds and quantities of wine so fortified, and shall affix such stamps and seals to the packages containing such wines as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall provide by regulations the time within which wines so fortified with the wine spirits so withdrawn may be subject to inspection, and for final accounting for the use of such wine spirits and for rewarehousing or for payment of the tax on any portion of such wine spirits which remain not used in fortifying pure sweet wines (Oct. 1, 1890, c. 1244, § 45, 26 Stat 622, amended, Oct 22, 1914, c 331, § 2, 38 Stat 747, Sept 8, 1916, c 463, § 402(c), 39 Stat. 785, and Feb 24, 1919, c. 18, § 617, 40 Stat 1112)

This section was again amended by § 617 of the Revenue Act of 1918, cited above, to read as set forth above. This amendment made no change in this section as it was last amended by Act Sept. 8, 1916, c 463, § 402(c) Said § 402(c) was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¼a

§§ 6114a-6114e. [Repealed]

These sections, which were a part of § 402 of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 786, 787, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¼a For substitutes for these sections see post, §§ 6114ff, 6114h, 6114l, 6114m, 6114n

§ 6114ff. Removal of domestic wines to bonded premises; tax on product of wines used as material—Under such regulations and upon the execution of such notices, entries, bonds, and other security as the Commissioner, with the approval of the Secretary, may prescribe, domestic wines subject to the tax imposed by section 611 may be removed from the winery where produced, free of tax, for storage on other bonded premises or from such premises to other bonded premises (but not more than one such additional removal shall be allowed), or for exportation from the United States or for use as distilling material at any regularly registered distillery. Provided, however, That the distiller using any such wine as material shall, subject to the provisions of section 3309 of the Revised Statutes, as amended, be held to pay the tax on the product of such wines as will include both the alcoholic strength therein produced by fermentation and that obtained from the brandy or wine spirits added to such wines at the time of fortification. (Feb. 24, 1919, c. 18, § 618(a), 40 Stat 1113.)

This section is paragraph (a) of § 618 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above For R. S. § 3309, referred to in this section, see U. S. Comp. St. 1918, § 6089.

§ 6114g. Production of grape wine on bonded premises and transportation for distilling material for nonalcoholic wines—(b) Under regulations prescribed by the Commissioner with the approval of the Secretary, it shall be lawful to produce grape wines on bonded winery premises by the usual method, and to transport and use the same, and like wines heretofore produced and now stored on bonded winery premises, as distilling material for the production of nonbeverage spirits in the production of nonalcoholic wines, containing less than ½ of 1 per centum of alcohol by volume, in any fruit brandy or industrial distillery: Provided, That all alcoholic spirits so obtained at any industrial distillery shall be denatured, and all spirits so obtained at any fruit distillery shall be removed and used only for nonbeverage purposes or for denaturation. (Feb. 24, 1919, c 18, § 618(b), 40 Stat. 1113)

This section is paragraph (b) of § 618 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 6114h. Tax on domestic and imported sparkling wines—Upon the following articles which are hereafter produced in or imported into the United States, or which on the day after the passage of this act are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 12 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 6 cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine fortified with grape brandy, 6 cents on each one-half pint or fraction thereof.

The tax imposed by this section shall, in the case of any article upon which a corresponding internal-revenue tax is now imposed by law, be in lieu of such tax (Feb 24, 1919, c 18, § 613, 40 Stat 1110)

This section is § 613 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 6114i. Floor tax on still and sparkling wines—Upon all articles specified in section 611 or 613 upon which the internal-revenue tax now imposed by law has been paid and which are on the day after the passage of this Act held by any person and intended for sale, there shall be levied, collected, and paid a floor tax equal to the difference between the tax imposed by this Act and the tax so paid. (Feb. 24, 1919, c. 18, § 614, 40 Stat. 1111.)

This section is § 614 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

Sections 611 and 613 of the Revenue Act of 1918, referred to in this section, are set forth ante, §§ 6110g, 6114h.

§ 6114j. Payment of tax by affixing stamp; notice, bond and inventories; wines held by retailers or produced for family use—The taxes imposed by section 611 or 613 shall be paid by stamp on removal of the wines from the customhouse, winery, or other bonded place of storage for consumption or sale, and every person hereafter producing, or having in his possession or under his control when this title takes effect, any wines subject to the tax imposed in section 611 or 613, shall file such notice, describing the premises on which such wines are produced or stored; shall execute a bond in such form; shall make such inventories under oath; and shall, prior to sale or removal for consumption, affix to each cask or vessel containing such wine such marks, labels, or stamps as the Commissioner, with the approval of the Secretary, may from time to time prescribe; and the premises described in such notice shall, for the purpose of this Act, be regarded as bonded premises. But the provisions of this section, except as to payment of tax and the affixing of the required stamps or labels, shall not apply to wines held by retail dealers, as defined in section 3244 of the Revised Statutes, nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, shall the tax imposed by section 611 apply to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year. (Feb. 24, 1919, c. 18, § 616, 40 Stat. 1111)

This section is § 616 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

Sections 611 and 613 of the Revenue Act of 1918, referred to in this section, are set forth ante, §§ 6110g, 6114h

For R S. § 3244, also referred to in this section, see U. S. Comp St. 1918, § 5971(4).

§ 6114k. Collection of tax on imported still wines, sparkling wines, and imported liqueurs by assessment—The collection of the tax on imported still wines, including vermuth, and sparkling wines, including champagne, and on imported liqueurs, cordials, and similar compounds, may be made within the discretion of the Commissioner, with the approval of the Secretary, by assessment instead of by stamps (Feb 24, 1919, c 18, § 619, 40 Stat. 1113)

This section is § 619 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6114l. Violations of §§ 610-621 of Revenue Act of 1918; mixing or blending; use of tax-paid grains for fortification—Whoever evades or attempts to evade any tax imposed by sections 611 to 615, both inclusive, or any requirement of sections 610 to 621, both inclusive, or regulation issued pursuant thereto, or whoever, otherwise than as provided in such sections, recovers or attempts to recover any spirits from domestic or imported wine, or whoever rectifies, mixes, or compounds with distilled spirits any domestic wines, other than in the manufacture of liqueurs, cordials, or similar compounds, shall, on conviction, be punished for each such offense by a fine of not exceeding $5,000, or imprisonment for not more than five years, or both, and in addition thereto by a penalty of double the tax evaded, or attempted to be evaded, to be assessed and collected in the same manner as taxes are assessed and collected, and all wines, spirits, liqueurs, cordials, or similar compounds as to which such violation occurs shall be forfeited to the United States But the provisions of this section and the provisions of section 3244 of the Revised Statutes, as amended, relating to rectification, or other internal-revenue laws of the United States, shall not be held to apply to or prohibit the mixing or blending of wines subject to tax under the provisions of sections 611 to 615, both inclusive, with each other or with other wines for the sole purpose of perfecting such wines according to commercial standards. Provided, That nothing herein contained shall be construed as prohibiting the use of tax-paid grain or other ethyl alcohol in the fortification of sweet wines as defined in section 610 of this Act and section 43 of the Act entitled "An Act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, as amended by this Act (Feb. 24, 1919, c. 18, § 620, 40 Stat. 1113.)

This section is § 620 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

Section 610 of the Revenue Act of 1918, is set forth ante, § 6110f, § 611 is set forth ante, § 6110g, § 612 is set forth ante, § 6110h, § 613 is set forth ante, § 6114h, § 614 is set forth ante, § 6114i, § 615 is set forth ante, § 6111aa; § 616 is set forth ante, § 6114j, § 617 is set forth ante, §§ 6111, 6112, 6114, § 618 is set forth ante, §§ 6114ff, 6114g, § 619 is set forth ante, § 6114k, and § 621 is set forth post, § 6114m

For R S § 3244, also referred to in this section, see U. S Comp. St. 1918, § 5971(3).

Act Oct 1, 1890, c 1244, § 43, as amended by § 617 of the Revenue Act of 1918, also referred to in this section, is set forth ante, § 6112

§ 6114m. Spirit meters, locks, seals; gaugers or storekeeper-gaugers—The Commissioner, by regulations to be approved by the Secretary, may require the use at each fruit distillery of such spirit meters, and such locks and seals to be fixed to fermenters, tanks, or other vessels and to such pipe connections as may in his judgment be necessary or expedient, and is hereby authorized to assign to any such distillery and to each winery where wines are to be fortified such number of gaugers or storekeeper-gaugers in capacity of gaugers as may be necessary for the proper supervision of the manufacture of brandy or the making or fortifying of wines subject to tax imposed by this section; and the compensation of such officers shall not exceed $5 per diem while so assigned, together with their actual and necessary traveling expenses, and also a reasonable allowance for their board bills, to be fixed by the Commissioner, with the approval of the Secretary, but not to exceed $2 50 per diem for such board bills. (Feb. 24, 1919, c. 18, § 621, 40 Stat. 1114.)

This section is § 621 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

§ 6114n. Allowance for unavoidable loss of wines during cellar treatment—The Commissioner, with the approval of the Secretary, is hereby authorized to make such allowances for unavoidable loss of wines while on storage or during cellar treatment as in his judgment may be just and proper. (Feb. 24, 1919, c. 18, § 622, 40 Stat. 1114)

This section is § 622 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6127a. Transfer in tanks or tank cars for export—Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, alcohol or other distilled spirits of a proof strength of not less than one hundred and eighty degrees intended for export free of tax may be drawn from receiving cisterns at any distillery, or from storage tanks in any distillery warehouse, for transfer to tanks or tank cars for export from the United States, and all provisions of existing law relating to the exportation of distilled spirits not inconsistent herewith shall apply to spirits removed for export under the provisions of this Act. (Feb 24, 1919, c. 18, § 624, 40 Stat 1114)

This section is § 624 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

Section 403 of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 788, for which this section is a substitute, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6137a. Removal of ethyl alcohol to central denaturing bonded warehouse for denaturing; removal free of tax for use of United States or nations at war with Germany; leakage—Under such regulations as the Commissioner, with the approval of the Secretary, may prescribe, ethyl alcohol of not less than 180 degrees proof, produced at any central distilling and denaturing plant established under the provisions of subsection 2, paragraph N, of section IV of the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, may be removed from such plant to any central denaturing bonded warehouse for denaturation, or may, before or after denaturation, be removed from such plant or from such denaturing bonded warehouse, free of tax, for use of the United States or for shipment to any nation while engaged against the German Government in the present war, and the removal herein authorized may be made in such tank vessels, tank cars, drums, casks, or other containers as may be approved by the Commissioner. It shall be lawful, under regulations prescribed by the Commissioner, with the approval of the Secretary, for an allowance to be made for leakage or loss by unavoidable accident and without fault or negligence of the distiller, owner, carrier, or his agents or employees, which may occur during the transportation of such spirits or while the same are lawfully stored on either of the premises herein described. (Feb. 24, 1919, c. 18, § 603, 40 Stat 1107.)

This section is § 603 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above.

For Act Oct 3, 1913, c. 16, § IV, par N, subsec. 2, referred to in this section, see U. S. Comp. St 1913, § 6137.

Chapter Five—Fermented Liquors

§§ 6144a, 6144b. [Repealed]

These sections, which were § 400 of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 783, and § 307 of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 311, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a. See, also, post, § 6144bb

§ 6144bb. Tax; amount; fractional parts of barrel—There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of one per centum, or more, of alcohol, brewed or manufactured and hereafter sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, in lieu of the internal-revenue taxes now imposed thereon by law, a tax of $6 00 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law (Feb 24, 1919, c. 18, § 608, 40 Stat 1109.)

This section is § 608 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

§ 6151a. Removal to contiguous industrial distillery without payment of tax—From and after the passage of this Act taxable fermented liquors may be conveyed without payment of tax from the brewery premises where produced to a contiguous industrial distillery of either class established under the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, to be used as distilling material, and the residue from such distillation, containing less than one-half of 1 per centum of alcohol by volume, which is to be used in making beverages, may be manipulated by cooling, flavoring, carbonating, settling, and filtering on the distillery premises or elsewhere

The removal of the taxable fermented liquor from the brewery to the distillery and the operation of the distillery and removal of the residue therefrom shall be under the supervision of such officer or officers as the Commissioner shall deem proper, and the Commissioner, with the approval of the Secretary, is hereby authorized to make such regulations from time to time as may be necessary to give force and effect to this section and to safeguard the revenue. (Feb. 24, 1919, c 18, § 609, 40 Stat 1109)

This section is § 609 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above

Section 308 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 311, for which this section is a substitute, was repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a

§ 6161. Withdrawing from unstamped packages for bottling or bottling on brewery premises; withdrawal by pipe-line; regulations; penalties; forfeitures—Every person who withdraws any fermented liquor from any hogshead, barrel, keg, or other vessel upon which the proper stamp has not been affixed for the purpose of bottling the same, or who carries on or attempts to carry on the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of $500, and the property used in such bottling or business shall be liable to forfeiture: Provided, however, That this section shall not be construed to prevent the withdrawal and transfer of unfermented, partially fermented, or fermented liquors from any of the vats in any brewery by way of a pipe line or other conduit to another building or place for the sole purpose of bottling the same, such pipe line or conduit to be constructed and operated in such manner and with such cisterns, vats, tanks, valves, cocks, faucets, and gauges, or other utensils or apparatus, either on the premises of the brewery or the bottling house, and with such changes of or additions thereto, and such locks, seals, or other fastenings, and under such rules and regulations as shall be from time to time prescribed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and all locks and seals prescribed shall be provided by the Commissioner of Internal Revenue at the expense of the United States: Provided further, That the tax imposed in section 3339 of the Revised Statutes shall be paid on all fermented liquor removed from a brewery to a bottling house by means of a pipe or conduit, at the time of such removal, by the cancellation and defacement, by the collector of the district

or his deputy, in the presence of the brewer, of the number of stamps denoting the tax on the fermented liquor thus removed The stamps thus canceled and defaced shall be disposed of and accounted for in the manner directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. And any violation of the rules and regulations hereafter prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, in pursuance of these provisions, shall be subject to the penalties above provided by this section Every owner, agent, or superintendent of any brewery or bottling house who removes, or connives at the removal of, any fermented liquor through a pipe line or conduit, without payment of the tax thereon, or who attempts in any manner to defraud the revenue as above, shall forfeit all the liquors made by and for him, and all the vessels, utensils, and apparatus used in making the same (R. S. § 3354, amended, June 18, 1890, c. 431, 26 Stat. 161, Sept 8, 1916, c 463, § 406, 39 Stat 789, Feb. 24, 1919, c 18, § 627, 40 Stat 1115.)

This section was again amended by § 627 of the Revenue Act of 1918, cited above, to read as set forth above

This amendment made no change in the section as it was last amended by § 406 of the Revenue Act of 1916 Said § 406 was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a.

For R. S. § 3339 referred to in this section, see U S Comp St 1918, § 6143

Chapter Five A—Tax on Beverages and Constituent Parts Thereof

§§ 6161½a-6161½c. [Repealed.]

These sections, which were §§ 313-315 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 312, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

Sections 628, 629, 630, of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1116), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371½j

Sections 602, 603, of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 285, 286), were repealed by § 1100 of the Revenue Act of 1924 See post, § 6371½t

Chapter Six—Tobacco and Snuff

§ 6168. (a) Dealers in leaf tobacco; statements; bonds; numbers assigned to—Every dealer in leaf tobacco shall file with the collector of the district in which his business is carried on a statement in duplicate, subscribed under oath, setting forth the place, and, if in a city, the street and number of the street, where his business is to be carried on, and the exact location of each place where leaf tobacco is held by him on storage, and, whenever he adds to or discontinues any of his leaf tobacco storage places, he shall give immediate notice to the collector of the district in which he is registered

Every such dealer shall give a bond with surety, satisfactory to, and to be approved by, the collector of the district, in such penal sum as the collector may require, not less than $500; and a new bond may be required in the discretion of the collector, or under instructions of the Commissioner

Every such dealer shall be assigned a number by the collector of the district, which number shall appear in every inventory, invoice and report rendered by the dealer, who shall also obtain certificates from the collector of the district setting forth the place where his business is carried on and the places designated by the dealer as the places of storage of his tobacco, which certificates shall be posted conspicuously within the dealer's registered place of business, and within each designated place of storage.

(b) Same; inventories; records; reports—Every dealer in leaf tobacco shall make and deliver to the collector of the district a true inventory of the quantity of the different kinds of tobacco held or owned, and where stored by him, on the 1st day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the 1st day of January, such inventory to be made under oath and rendered in such form as may be prescribed by the Commissioner.

Every dealer in leaf tobacco shall render such invoices and keep such records as shall be prescribed by the Commissioner, and shall enter therein, day by day, and upon the same day on which the circumstance, thing or act to be recorded is done or occurs, an accurate account of the number of hogsheads, tierces, cases and bales, and quantity of leaf tobacco contained therein, purchased or received by him, on assignment, consignment, for storage, by transfer or otherwise, and of whom purchased or received, and the number of hogsheads, tierces, cases and bales, and the quantity of leaf tobacco contained therein, sold by him, with the name and residence in each instance of the person to whom sold, and if shipped, to whom shipped and to what district; such records shall be kept at his place of business at all times and preserved for a period of two years, and the same shall be open at all hours for the inspection of any internal-revenue officer or agent.

Every dealer in leaf tobacco on or before the tenth day of each month, shall furnish to the collector of the district a true and complete report of all purchases, receipts, sales and shipments of leaf tobacco made by him during the month next preceding, which report shall be verified and rendered in such form as the Commissioner, with the approval of the Secretary, shall prescribe

(c) Same; sales or shipments by—Sales or shipments of leaf tobacco by a dealer in leaf tobacco shall be in quantities of not less than a hogshead, tierce, case, or bale, except loose leaf tobacco comprising the breaks on warehouse floors, and except to a duly registered manufacturer of cigars for use in his own manufactory exclusively

Dealers in leaf tobacco shall make shipments of leaf tobacco only to other dealers in leaf tobacco, to registered manufacturers of tobacco, snuff, cigars or cigarettes, or for export.

(d) Same; tax on tobacco sold, removed or shipped in violation of subdivision (c)—Upon all leaf tobacco sold, removed or shipped by any dealer in leaf tobacco in violation of the provisions of subdivision (c), or in respect to which no report has been made by such dealer in accordance with the provisions of subdivision (b), there shall be levied, assessed, collected and paid a tax equal to the tax then in force upon manufactured tobacco, such tax to be assessed and collected in the same manner as the tax on manufactured tobacco

(e) Same; offenses; punishment—Every dealer in leaf tobacco—

(1) who neglects or refuses to furnish the statement, to give bond, to keep books, to file inventory or to render the invoices, returns or reports required by the Commissioner, or to notify the collector of the district of additions to his places of storage; or

(2) who ships or delivers leaf tobacco, except as herein provided; or

(3) who fraudulently omits to account for tobacco purchased, received, sold, or shipped;

shall be fined not less than $100 or more than $500, or imprisoned not more than one year, or both.

(f) Same; who are—For the purpose of this section a farmer or grower of tobacco or a tobacco growers' cooperative association shall not be regarded as a dealer in leaf tobacco in respect to the leaf tobacco produced by him or handled by such association: Provided, That such cooperative associations shall be

required to keep available records of all purchases and sales of tobacco, such records to be open to inspection by the agents of the Government As used in this section the term "tobacco growers' cooperative association' means an association of farmers or growers of tobacco organized and operated as sales agent for the purpose of marketing the tobacco produced by its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity and quality of tobacco furnished by them (R S § 3360, amended, March 1, 1879, c 125, § 14, 20 Stat 345, Feb 24, 1919, c 18, § 704, 40 Stat 1119 Re-enacted Nov 23, 1921, c 136, § 704, 42 Stat 288, and amended, June 2, 1924, 4 01 p m, c 234, § 403, 43 Stat 318.)

This section was amended by § 704 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 704 of the Revenue Act of 1921, cited above, which re-enacting section is repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t This section was also amended by § 403 of the Revenue Act of 1924, cited above, to read as set forth above

§ 6169. Packages of tobacco and snuff—All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description and in no other manner.

All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including two ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and packages of five ounces, six ounces, seven ounces, eight ounces, ten ounces, twelve ounces, fourteen ounces, and sixteen ounces· Provided, That snuff may at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: Provided, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported· And provided further, That perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: And provided further, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish. (R. S § 3362, amended, Feb 27, 1877, c. 69, § 1, 19 Stat 248, March 1, 1879, c 125, § 14, 20 Stat. 345, Jan. 9, 1883, c. 16, 22 Stat. 401, July 1, 1902, c 1371, § 1, 32 Stat 714, Aug. 5, 1909, c. 6, § 30, 36 Stat. 108, Feb. 24, 1919, c. 18, § 701(b), 40 Stat. 1117. Re-enacted, Nov. 23, 1921, c. 136, § 701(b), 42 Stat. 287, and June 2, 1924, 4 01 p m., c 234, § 401(b), 43 Stat 317.)

This section was again amended by § 701 of the Revenue Act of 1918, cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 701(b) of the Revenue Act of 1921, cited above, which re-enacting section is repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t It was also re-enacted without change by § 401(b) of the Revenue Act of 1924, also cited above

§ 6169a. [Repealed.]

This section, which was § 401 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 313, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371 ¼a

§§ 6174a-6174c. [Repealed.]

These sections, which were §§ 401-403 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 313, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371 ¼a See, also, post, § 6174d

§ 6174d. Tax on tobacco and snuff—Upon all tobacco and snuff manufactured in or imported into the United States, and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes now imposed thereon by section 701 of the Revenue Act of 1921, a tax of 18 cents per pound, to be paid by the manufacturer or importer thereof (June 2, 1924, 4.01 p m, c. 234, § 401(a), 43 Stat 317.)

This section is § 401(a) of Title IV of the Revenue Act of 1924, cited above

Section 701(a) of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, § 701(a), 40 Stat 1117), was repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾t

Section 701(a) of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 287), for which this section is a substitute, is repealed by § 1100 of the Revenue Act of 1924 See post, § 6371¾t

§ 6175. [Repealed.]

This section, which was Act Aug. 5, 1909, c 6, § 35, 36 Stat 110, was repealed by § 704 of the Revenue Act of 1918, said repeal to take effect April 1, 1919

§ 6178. Stamps; preparation and sale—The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for the payment of the tax on tobacco and snuff, which shall indicate the weight and class of the article on which payment is to be made, and shall be affixed and canceled in the mode prescribed by the Commissioner of Internal Revenue, and stamps when used on any wooden package shall be canceled by sinking a portion of the same into the wood with a steel die, and also such export-stamps as are required by law Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof, and shall sell the same only to the manufacturers of tobacco and snuff in their respective districts who have given bonds as required by law, and to owners or consignees of tobacco or snuff, upon the requisition of the proper custom-house officer having the custody of such tobacco or snuff, and to persons required by law to affix the same to tobacco or snuff on hand on the first day of January, eighteen hundred and sixty-nine. And every collector shall keep an account of the number, amount, and denominate values of stamps sold by him to each manufacturer or other person aforesaid: Provided, That such stamps as may be required to stamp tobacco, snuff, or cigars, sold under distraint by any collector of internal revenue, or for stamping any tobacco, snuff, or cigars which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue-col-

lector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue shall be allowed credit for the same in settling his stamp-account with the Department: And provided further, That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, cigars, or cigarettes, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States, and upon application made to the Commissioner of Internal Revenue, he is authorized to order the destruction of such tobacco, snuff, cigars, or cigarettes by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe, or he may, under such regulations, order delivery of such tobacco, snuff, cigars, or cigarettes, without payment of any tax, to any hospital maintained by the United States for the use of present or former members of the military or naval forces of the United States (R. S. § 3369, amended, Oct. 14, 1921, c. 107, 42 Stat. 205.)

This section was amended by Act Oct. 14, 1921, c. 107, cited above, by changing the last proviso therein to read as set forth above. For this section prior to this amendment see U. S. Comp. St. 1918, § 6178.

Chapter Seven—Cigars

§ 6202. Packing cigars—All cigars weighing more than three pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, three, five, seven, ten, twelve, thirteen, twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000 and be imprisoned not more than two years: Provided, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: Provided further, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed twenty-one cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe (R. S. § 3392, amended, March 1, 1879, c. 125, § 16, 20 Stat. 347, Oct. 1, 1890, c. 1244, § 32, 26 Stat. 619, Aug. 5, 1909, c. 6, § 32, 36 Stat. 109, Feb. 10, 1913, c. 34, 37 Stat. 664, and June 2, 1924, 4:01 p. m., c. 234, § 400(e), 43 Stat. 317.)

This section is § 400(e) of Title IV of the Revenue Act of 1924, cited above, amending R. S. § 3392.

§ 6202a. [Repealed.]

This section, which was § 400 of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 313, was repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a.

§ 6204.

See post, § 6204c.

§§ 6204a, 6204b. [Repealed.]

These sections, which were §§ 400, 404, of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 312, 314, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a. See, also, post, §§ 6204c, 6204d, and notes thereunder.

§ 6204c. (a) Cigars and cigarettes; tax; amount—Upon cigars and cigarettes manufactured in or imported into the United States and hereafter sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid under the provisions of existing law, in lieu of the internal-revenue taxes now imposed thereon by section 700 of the Revenue Act of 1921, the following taxes, to be paid by the manufacturer or importer thereof—

On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $1.50 per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, $4 per thousand,

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, $6 per thousand,

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $9 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $12 per thousand;

If manufactured or imported to retail at more than 20 cents each, $15 per thousand;

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3 per thousand;

Weighing more than three pounds per thousand, $7.20 per thousand.

(b) Same; retail price—Whenever in this section reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar.

(c) Same; labels—The Commissioner may, by regulation, require the manufacturer or importer to affix to each box, package, or container a conspicuous label indicating the clause of this section under which the cigars therein contained have been tax-paid, which must correspond with the tax-paid stamp on such box or container.

(d) Packages of cigarettes and small cigars; stamps—Every manufacturer of cigarettes (including small cigars weighing not more than three pounds per thousand) shall put up all the cigarettes and such small cigars that he manufactures or has manufactured for him, and sells or removes for consumption or sale, in packages or parcels containing five, eight, ten, twelve, fifteen, sixteen, twenty, twenty-four, forty, fifty, eighty, or one hundred cigarettes each and shall securely affix to each of such packages or parcels a suitable stamp denoting the tax thereon and shall properly cancel the same prior to such sale or removal for consumption or sale under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in a like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom. (June 2, 1924, 4:01 p. m., c. 234, § 400(a-d) 43 Stat. 316.)

This section is § 400(a-d) of Title IV of the Revenue Act of 1924, "Tax on Cigars, Tobacco, and Manufactures Thereof," cited above.

Section 700 of the Revenue Act of 1918 (Act Feb. 24, 1919, c. 18, 40 Stat. 1116), was repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j.

Section 702 of the Revenue Act of 1918 (Act Feb. 24, 1919, c. 18, 40 Stat. 1118) was also repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j.

Section 700 of the Revenue Act of 1921 (Act Nov. 23, 1921, c. 136, 42 Stat. 286), for which this section is a substitute, was repealed by § 1100 of the Revenue Act of 1924. See post, § 6371¾t.

§ 6204d. Cigarette paper; tax; bond of manufacturers—There shall be levied, collected, and paid,

in lieu of the taxes imposed by section 703 of the Revenue Act of 1921, upon cigarette paper made up into packages, books, sets, or tubes, made up in or imported into the United States and hereafter sold by the manufacturer or importer to any person (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes), the following taxes, to be paid by the manufacturer or importer: On each package book, or set containing more than twenty-five but not more than fifty papers, ½ cent, containing more than fifty but not more than one hundred papers, 1 cent, containing more than one hundred papers, ½ cent for each fifty papers or fractional part thereof; and upon tubes, 1 cent for each fifty tubes or fractional part thereof

Every manufacturer of cigarettes purchasing any cigarette paper made up into tubes (a) shall give bond in an amount and with sureties satisfactory to the Commissioner that he will use such tubes in the manufacture of cigarettes or pay thereon a tax equivalent to the tax imposed by this section, and (b) shall keep such records and render under oath such returns as the Commissioner finds necessary to show the disposition of all tubes purchased or imported by such manufacturer of cigarettes (June 2, 1924, 4 01 p. m., c. 234, § 402, 43 Stat 318.)

This section is § 402 of Title IV of the Revenue Act of 1924, cited above

Section 703 of the Revenue Act of 1918 (Act Feb 24, 1919, c. 18, 40 Stat 1118), was repealed by § 1400 of the Revenue Act of 1921, post, § 6371½]

Section 703 of the Revenue Act of 1921 (Act Nov 23, 1921, c. 136, 42 Stat 288), for which this section is a substitute, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t.

Chapter Seven A—Oleomargarine, Adulterated Butter, and Process or Renovated Butter

§ 6218. Oleomargarine; packing; retailing— All oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden or paper packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by the manufacturers of oleomargarine, and wholesale dealers in oleomargarine shall be in original stamped packages.

Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any packages or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years. (Aug 2, 1886, c 840, § 6, 24 Stat. 210, amended, Oct. 1, 1918, c. 178, 40 Stat 1008.)

This section was amended by Act Oct. 1, 1918, c. 178, cited above, to read as set forth above. Prior to this amendment the section read as follows:

"All oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and all sales made by manufacturers of oleomargarine, and wholesale dealers in oleomargarine shall be in original stamped packages Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars, and be imprisoned not more than two years"

Chapter Seven F—Opium, Coca Leaves, and Compounds, Manufacturers, etc., Thereof

TAX ON NARCOTICS

§ 6287g. Persons required to register and pay tax; unlawful transactions; laws applicable; regulations—On or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, shall register with the collector of internal revenue of the district his name or style, place of business and place or places where such business is to be carried on, and pay the special taxes hereinafter provided;

Every person who on January 1, 1919, is engaged in any of the activities above enumerated, or who between such date and the passage of this Act first engaged in any of such activities, shall within thirty days after the passage of this Act make like registration, and shall pay the proportionate part of the tax for the period ending June 30, 1919, and

Every person who first engages in any of such activities after the passage of this Act shall immediately make like registration and pay the proportionate part of the tax for the period ending on the following June 30th;

Importers, manufacturers, producers or compounders, $24 per annum; wholesale dealers, $12 per annum; retail dealers, $6 per annum; physicians, dentists, veterinary surgeons, and other practitioners lawfully entitled to distribute, dispense, give away, or administer any of the aforesaid drugs to patients upon whom they in the course of their professional practice are in attendance, shall pay $3 per annum

Every person who imports, manufacturers, compounds, or otherwise produces for sale or distribution any of the aforesaid drugs shall be deemed to be an importer, manufacturer, or producer.

Every person who sells or offers for sale any of said drugs in the original stamped packages, as hereinafter provided, shall be deemed a wholesale dealer.

Every person who sells or dispenses from original stamped packages, as hereinafter provided, shall be deemed a retail dealer: Provided, That the office, or if none, the residence, of any person shall be considered for the purpose of this Act his place of business; but no employee of any person who has registered and paid special tax as herein required, acting within the scope of his employment, shall be required to register and pay special tax provided by this section: Provided further, That officials of the United States, Territorial, District of Columbia, or insular possessions, State or municipal governments, who in the exercise of their official duties engage in any of the business herein described, shall not be required to register, nor pay special tax, nor stamp the afore-

said drugs as hereinafter prescribed, but their right to this exemption shall be evidenced in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe

It shall be unlawful for any person required to register under the provisions of this Act to import, manufacture, produce, compound, sell, deal in, dispense, distribute, administer, or give away any of the aforesaid drugs without having registered and paid the special tax as imposed by this section

That the word "person" as used in this Act shall be construed to mean and include a partnership, association, company, or corporation as well as a natural person, and all provisions of existing law relating to special taxes, as far as necessary, are hereby extended and made applicable to this section

That there shall be levied, assessed, collected, and paid upon opium coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal-revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce, such tax to be paid by the importer, manufacturer, producer, or compounder thereof, and to be represented by appropriate stamps, to be provided by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and the stamps herein provided shall be so affixed to the bottle or other container as to securely seal the stopper, covering, or wrapper thereof.

The tax imposed by this section shall be in addition to any import duty imposed on the aforesaid drugs

It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the aforesaid drugs except in the original stamped package or from the original stamped package, and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this section by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by this section shall be prima facie evidence of liability to such special tax: Provided, That the provisions of this paragraph shall not apply to any person having in his or her possession any of the aforesaid drugs which have been obtained from a registered dealer in pursuance of a prescription, written for legitimate medical uses, issued by a physician, dentist, veterinary surgeon, or other practitioner registered under this Act; and where the bottle or other container in which such drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person writing said prescription; or to the dispensing, or administration, or giving away of any of the aforesaid drugs to a patient by a registered physician, dentist, veterinary surgeon, or other practitioner in the course of his professional practice, and where said drugs are dispensed or administered to the patient for legitimate medical purposes, and the record kept as required by this Act of the drugs so dispensed, administered, distributed, or given away

And all the provisions of existing laws relating to the engraving, issuance, sale, accountability, cancellation, and destruction of tax-paid stamps provided for in the internal-revenue laws are, in so far as necessary, hereby extended and made to apply to stamps provided by this section.

That all unstamped packages of the aforesaid drugs found in the possession of any person, except as herein provided, shall be subject to seizure and forfeiture, and all the provisions of existing internal-revenue laws relating to searches, seizures, and forfeitures of unstamped articles are hereby extended to and made to apply to the articles taxed under this Act and the persons upon whom these taxes are imposed

Importers, manufacturers, and wholesale dealers shall keep such books and records and render such monthly returns in relation to the transactions in the aforesaid drugs as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations require

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying the provisions of this Act into effect (Dec 17, 1914, c 1, § 1, 38 Stat 785, amended Feb 24, 1919 c 18, § 1006, 40 Stat 1130, and re-enacted, Nov 23, 1921, c 136, § 1005 42 Stat 298, and June 2, 1924, 4.01 p m, c. 234, § 705, 43 Stat 328)

This section was amended by § 1006 of the Revenue Act of 1918 cited above, which amending section was repealed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1005 of the Revenue Act of 1921, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, effective June 30, 1924, post, § 6371½t It was also re-enacted without change by § 705 of the Revenue Act of 1924, also cited above

§ 6287l. Certain preparations and remedies excepted—The provisions of this Act shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them: Provided, That such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act: Provided further, That any manufacturer, producer, compounder, or vendor (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts of such preparations and remedies in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall direct. Such record shall be preserved for a period of two years in such a way as to be readily accessible to inspection by any officer, agent or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, municipal, and insular officers named in section 5 of this Act, and every such person so possessing or disposing of such preparations and remedies shall register as required in section 1 of this Act and, if he is not paying a tax under this Act, he shall pay a special tax of $1 for each year, or fractional part thereof, in which he is engaged in such occupation, to the collector of internal revenue of the district in which he carries on such occupation as provided in this Act. The provisions of this Act as amended shall not apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine (Dec 17, 1914, c. 1, § 6, 38 Stat. 789, amended, Feb. 24, 1919, c. 18, § 1007, 40 Stat 1132, and re-enacted, Nov. 23, 1921, c 136, § 1006, 42 Stat. 300, and June 2, 1924, 4:01 p. m, c. 234, § 706, 43 Stat. 330)

This section was amended by § 1007 of the Revenue Act of 1918, cited above, which amending section was repeal-

ed by § 1400 of the Revenue Act of 1921 It was re-enacted without change by § 1006 of the Revenue Act of 1921, which re-enacting section was repealed by § 1100 of the Revenue Act of 1924, effective June 30, 1924, post, § 6371½t It was also re-enacted without change by § 706 of the Revenue Act of 1924, also cited above

§ 6287r. Forfeitures and disposition of opium, etc., seized—All opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives, and compounds thereof, which may now be under seizure or which may hereafter be seized by the United States Government from any person or persons charged with any violation of the Act of October 1, 1890, as amended by the Acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the Act of December 17, 1914, as amended, shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is hereby authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned Acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said Acts or the provisions of this section, shall be destroyed without certification by a committee appointed by the Commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes (June 2, 1924, 4·01 p m, c. 234, § 707, 43 Stat 331)

This section is § 707 of Title VII of the Revenue Act of 1924, cited above

Section 1008 of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1132) was repealed by § 1400 of the Revenue Act of 1921, post, § 6371½]

Section 1007 of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 301), for which this section is a substitute, was repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t.

Chapter Eight A—Special Excise Tax on Corporations

§§ 6300-6309.

These sections of the U S Compiled Statutes, 1913, consisted of the provisions of the Payne-Aldrich Tariff Act of Aug 5, 1909, c 6, § 38, 36 Stat 112, imposing a special excise tax on corporations, and subsequent acts amendatory thereof, relating to such tax These provisions were continued in force for a limited time by the Underwood Tariff Act of Oct 3, 1913, c 16, § IV, S Said provisions were however wholly superseded by Act Sept 8, 1916, c 463, Title I, part II (U S Comp St 1918, §§ 6336j-6336x), imposing an income tax on corporations, and by § 407 of said Act Sept 8, 1916, c 463 (U S Comp. St 1918, § 5980a), imposing a special tax on corporations These sections were accordingly omitted from the compilations of 1916 and 1918. For the calendar years 1911 and 1912, the net income of corporations for the purpose of determining the War-Profits and Excess-Profits Tax were to be ascertained and returned in accordance with the provisions of these sections, by Act Feb 24, 1919, c 18, § 320, post, § 6336½ee, note

Act Aug. 5, 1909, c 6, § 38

"Every corporation, joint stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the Acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint stock company or association, or insurance company, equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed, or if organized under the laws of any foreign country, upon the amount of net income over and above five thousand dollars received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint stock companies or associations or insurance companies, subject to the tax hereby imposed Provided, however, That nothing in this section contained shall apply to labor, agricultural or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual

"Second Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint stock company or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses actually paid within the year out of income in the maintenance and operation of its business and properties including all charges such as rentals or franchise payments, required to be made as a condition to the continued use or possession of property, (second) all losses actually sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds, (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, all interest actually paid by it within the year on deposits, (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the government of any foreign country as a condition to carrying on business therein, (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed· Provided, That in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States and its territories, Alaska, and the District of Columbia, including all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States or its Territories, Alaska, or the District of Columbia not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds, (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness, not exceeding the proportion of its paid-up capital stock outstanding at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia bears to the gross amount of its income derived from all sources within and without the United States; (fourth) the sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, and insurance companies, subject to the tax hereby imposed In the case of assessment insurance companies the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guaranty or reserve funds shall be treated as being payments required by law to reserve funds.

"Third. There shall be deducted from the amount of the net income of each of such corporations, joint stock com-

panies or associations, or insurance companies, ascertained as provided in the foregoing paragraphs of this section, the sum of five thousand dollars, and said tax shall be computed upon the remainder of said net income of such corporation, joint stock company or association, or insurance company, for the year ending December thirty-first, nineteen hundred and nine, and for each calendar year thereafter, and on or before the first day of March, nineteen hundred and ten, and the first day of March in each year thereafter, a true and accurate return under oath or affirmation of its president, vice-president, or other principal officer, and its treasurer or assistant treasurer, shall be made by each of the corporations, joint stock companies or associations, and insurance companies, subject to the tax imposed by this section, to the collector of internal revenue for the district in which such corporation, joint stock company or association, or insurance company, has its principal place of business, or, in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, in the place where its principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth, (first) the total amount of the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, (second) the total amount of the bonded and other indebtedness of such corporation, joint stock company or association, or insurance company at the close of the year; (third) the gross amount of the income of such corporation, joint stock company or association, or insurance company, received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, also the amount received by such corporation, joint stock company or association, or insurance company, within the year by way of dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax imposed by this section, (fourth) the total amount of all the ordinary and necessary expenses actually paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint stock company or association, or insurance company, within the year, stating separately all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States and its Territories, Alaska, and the District of Columbia; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; and in the case of a corporation, joint stock company or association or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States or its Territories, Alaska, and the District of Columbia, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve fund, (sixth) the amount of interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, stating separately all interest paid by it within the year on deposits, or in case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, bears to the gross amount of its income derived from all sources within and without the United States; (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States or any State or Territory thereof, and separately the amount so paid by it for taxes imposed by the government of any foreign country as a condition to carrying on business therein, (eighth) the net income of such corporation, joint stock company or association, or insurance company, after making the deductions in this section authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue

"Fourth Whenever evidence shall be produced before the Commissioner of Internal Revenue which in the opinion of the commissioner justifies the belief that the return made by any corporation, joint stock company or association, or insurance company, is incorrect, or whenever any collector shall report to the Commissioner of Internal Revenue that any corporation, joint stock company or association, or insurance company, has failed to make a return as required by law, the Commissioner of Internal Revenue may require from the corporation, joint stock company or association, or insurance company making such return, such further information with reference to its capital, income, losses, and expenditures as he may deem expedient, and the Commissioner of Internal Revenue, for the purpose of ascertaining the correctness of such return or for the purpose of making a return where none has been made, is hereby authorized, by any regularly appointed revenue agent specially designated by him for that purpose, to examine any books and papers bearing upon the matters required to be included in the return of such corporation, joint stock company or association, or insurance company, and to require the attendance of any officer or employee of such corporation, joint stock company or association, or insurance company, and to take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons, and the Commissioner of Internal Revenue may also invoke the aid of any court of the United States having jurisdiction to require the attendance of such officers or employees and the production of such books and papers Upon the information so acquired the Commissioner of Internal Revenue may amend any return or make a return where none has been made All proceedings taken by the Commissioner of Internal Revenue under the provisions of this section shall be subject to the approval of the Secretary of the Treasury.

"Fifth All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon, and in case of any return made with false or fraudulent intent, he shall add one hundred per centum of such tax, and in case of a refusal or neglect to make a return or to verify the same as aforesaid he shall add fifty per centum of such tax. In case of neglect occasioned by the sickness or absence of an officer of such corporation, joint stock company or association, or insurance company, required to make said return, or for other sufficient reason, the collector may allow such further time for making and delivering such return as he may deem necessary, not exceeding thirty days The amount so added to the tax shall be collected at the same time and in the same manner as the tax originally assessed unless the refusal, neglect, or falsity is discovered after the date for payment of said taxes, in which case the amount so added shall be paid by the delinquent corporation, joint stock company or association, or insurance company, immediately upon notice given by the collector All assessments shall be made and the several corporations, joint stock companies or associations, or insurance companies, shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessments shall be paid on or before the thirtieth day of June, except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint stock company or association, or insurance company immediately upon notification of the amount of such assessment, and to any sum or sums due and unpaid after the thirtieth day of June in any year, and for ten days after notice and demand thereof by the collector, there shall be added the sum of five per centum on the amount of tax unpaid and interest at the rate of one per centum per month upon said tax from the time the same becomes due.

"Sixth. When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such.

"Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

"Eighth. If any of the corporations, joint stock compa-

nies or associations, or insurance companies, aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint stock company or association, or insurance company, shall be liable to a penalty of not less than one thousand dollars and not exceeding ten thousand dollars

"Any person authorized by law to make, render, sign, or verify any return who makes any false or fraudulent return, or statement, with intent to defeat or evade the assessment required by this section to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution

"All laws relating to the collection, remission, and refund of internal-revenue taxes, so far as applicable to and not inconsistent with the provisions of this section, are hereby extended and made applicable to the tax imposed by this section

"Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books, as aforesaid, shall reside, to compel such attendance, production of books, and testimony by appropriate process"

Act March 4, 1913, c 142, § 1, 37 Stat 759

'For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section thirty-eight of the tariff Act approved August fifth, nineteen hundred and nine, including the employment in the District of Columbia of such clerical and other personal services and for rent of such quarters as may be necessary, $30,000 Provided, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President"

Act March 3, 1913, c 120, 37 Stat 734

"Any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section thirty-eight of the Act of August fifth, nineteen hundred and nine, known as the special excise corporation-tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection five of said section thirty-eight, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in said corporation-tax law on or before the first of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax And the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, is hereby directed to remit, abate, or pay back all such additional taxes in excess of $100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in said act, and without any intention or design on the part of any officer of such corporation, joint-stock company, association, or insurance company to hinder or delay the United States in the collection of the tax originally assessed."

Chapter Eight B—Excise Tax on Dealings in Cotton Futures

§ 6309e. [Sec. 5.] Tax on exchange or board of trade contracts of sale of cotton for future delivery; tax not levied on contracts complying with conditions prescribed—No tax shall be levied under this Act on any contract of sale mentioned in section three hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section four of, and the rules and regulations made pursuant to, this Act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: Provided, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same

Third Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is 'repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision, and section nineteen of this Act is amended accordingly.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section five."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.' (Aug.

11, 1916, c 313, 39 Stat. 476, amended, March 4, 1919, c 125, § 6, 40 Stat 1351.)

This section was amended by Act March 4, 1919, c 125, § 6, cited above, to read as set forth above This amendment consisted in amending paragraphs 5 and 7 and the last sentence of the section Prior to this amendment said paragraphs five and seven and said last sentence read as follows

'Fifth Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract"

"Seventh Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the classification of any cotton tendered under the contract, either party may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture

"The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings, upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true classification of the cotton involved"

The agricultural appropriation act for the fiscal year 1921, Act May 31, 1920, c 217, 41 Stat 725, contained the following provision "Hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said Act as amended, shall give to the buyer the right to demand that one-half of the contract shall be delivered in the official cotton standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling, and that the seller shall have the option of delivering the other half of said contract from any of the official cotton standard grades as established in said Act" Said provision was repealed by Res June 2, 1920, c 220, 41 Stat 738

See also, ante, note to § 5859b, and post, §§ 6309ee, 6309eee.

§ 6309ee. Effect of amendment of Act Aug. 11, 1916, c. 319, § 5—The foregoing amendments to section five of said Act shall become effective on and after the approval of this Act, but nothing herein shall be construed to diminish any authority conferred on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under said Act as unamended, or to impair the effect of such Act as to any contract subject to its provisions entered into prior to the effective date of said amendments, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said section five as unamended. (March 4, 1919, c. 125, § 6, 40 Stat. 1352)

This section is a part of § 6 of an act entitled "An act to enable the President to carry out the price guaranties made to producers of wheat of the crops of nineteen hundred and eighteen and nineteen hundred and nineteen and to protect the United States against undue enhancement of its liabilities thereunder," cited above

For amendments referred to in this section, see ante, § 6309e

§ 6309eee. Same—The amendments relating to cotton provided for in section 6 of the Act known as the wheat guarantee Act. approved March 4, 1919, are hereby recognized and declared to be permanent legislation. (May 31, 1920, c. 217, 41 Stat. 725)

This section is a provision of the agricultural appropriation act for the fiscal year 1921, cited above. See, ante, §§ 6309e, 6309ee, post, § 6309i.

§ 6309i. [Sec. 8.] Bona fide spot markets; mode of determining—In determining, pursuant to the provisions of this Act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: Provided, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section six of this Act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section five of this Act shall be determined in compliance with such rules and regulations. Provided further, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500 (Aug 11, 1916, c. 313, 39 Stat 479, amended, March 4, 1919, c 125, § 6, 40 Stat 1352)

This section was amended by Act March 4, 1919 c 125, § 6, cited above, by adding to the section, as originally enacted, the last proviso, as set forth above See ante, §§ 6309ee, 6309eee

§ 6309j. [Sec. 9.]
See post, § 8747⅝e.

Chapter Eight C—Transportation Facilities by Public Utilities

§§ 6309½a-6309½d. [Repealed.]

These sections, which were §§ 500-503 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 314, 315, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a See, also, post, notes to §§ 6309½a-6309½c.

Chapter Eight D—Insurance Policies

§§ 6309¼a, 6309¼b. [Repealed.]

These sections, which were §§ 504, 505, of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 315, 316, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a.

Sections 503, 504, of the Revenue Act of 1918 (Act Feb 24, 1919, c. 18, 40 Stat 1104), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾]

Chapter Eight DD—Tax on Telegraph and Telephone Messages

This chapter contained Title V of the Revenue Act of 1921 Said Title is entitled "Tax on Telegraph and Telephone Messages" The provisions of this chapter are repealed by § 1100 of the Revenue Act of 1924, except subdivision (d) of § 6309½a See post, § 6371⅝t

§ 6309½a. Tax on telegraph, telephone, cable, or radio messages—[Repealed, except subdivision (d)]

(d) Under regulations prescribed by the Commissioner with the approval of the Secretary, refund shall be made of the proportionate part of the tax collected under subdivision (c) or (d) of section 500 of the Revenue Act of 1918 on tickets or mileage books purchased and only partially used before January 1, 1922 (Nov 23, 1921, c 136, § 500, 42 Stat 284)

This section is subd (d) of § 500 of the Revenue Act of 1921, cited above The remainder of the section was repealed by § 1100 of the Revenue Act of 1924 See post, § 6371⅝t

Section 500 of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1101) was repealed by § 1400 of the Revenue Act of 1921, post, § 6371⅝j

§§ 6309½b, 6309½c. [Repealed]

These sections (sections 501 and 502 of the Revenue Act of 1921 [Act Nov 23, 1921, c 136, 42 Stat 284]) are repealed by § 1100 of the Revenue Act of 1924 See post, § 6371⅞t

Sections 501, 502, 503, of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1102-1104), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371⅝j

Chapter Eight E—Theater, etc., Admissions and Club Dues or Fees

§§ 6309½a-6309½c. [Repealed]

These sections, which were §§ 700-702 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat. 318, 319, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a .See, also, post, §§ 6309½d-6309½g, and notes thereunder.

Chapter Eight EE—Tax on Admissions and Dues

This chapter contains Title V of the Revenue Act of 1924 Said Title is entitled "Tax on Admissions and Dues."

§ 6309½d. Tax on admissions to places of amusement; amount; exemptions—(a) On and after the date this title takes effect, there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 800 of the Revenue Act of 1921—

(1) A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place on or after such date, including admission by season ticket or subscription, to be paid by the person paying for such admission; but where the amount paid for admission is 50 cents or less, no tax shall be imposed;

(2) Upon tickets or cards of admission to theaters, operas and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at not to exceed 50 cents in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1), a tax equivalent to 5 per centum of the amount of such excess; and if sold for more than 50 cents in excess of the sum of such established price plus the amount of any tax imposed under paragraph (1), a tax equivalent to 50 per centum of the whole amount of such excess, such taxes to be returned and paid, in the manner and subject to the interest provided in section 603, by the person selling such tickets;

(3) A tax equivalent to 50 per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor, such tax to be returned and paid, in the manner and subject to the interest provided in section 603, by the person selling such tickets;

(4) In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed by paragraph (1)), a tax equivalent to 10 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder, such tax to be paid by the lessee or holder, and

(5) A tax of 1½ cents for each 10 cents or fraction thereof of the amount paid for admission to any public performance for profit at any roof garden, cabaret, or other similar entertainment, to which the charge for admission is wholly or in part included in the price paid for refreshment, service, or merchandise, the amount paid for such admission to be deemed to be 20 per centum of the amount paid for refreshment, service, and merchandise, such tax to be paid by the person paying for such refreshment, service, or merchandise Where the amount paid for admission is 50 cents or less, no tax shall be imposed

(b) No tax shall be levied under this title in respect of (1) any admissions all the proceeds of which inure (a) exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any city, town, village, or other municipality, or of maintaining a cooperative or community center moving-picture theater—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; or (b) exclusively to the benefit of persons in the military or naval forces of the United States, or (c) exclusively to the benefit of persons who have served in such forces and are in need; or (d) exclusively to the benefit of National Guard organizations, Reserve Officers' associations or organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or (e) exclusively to the benefit of members of the police or fire department of any city, town, village, or other municipality, or the dependents or heirs of such members; or (2) any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same, or admissions to any exhibit, entertainment, or other pay feature conducted by such association as part of any such fair,—if the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs

(c) The term "admission" as used in this title includes seats and tables, reserved or otherwise, and other similar accommodations, and the charges made therefor.

(d) The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped, or written on the face or back of that part of the ticket which is to be taken up by the management of the theater, opera, or other

place of amusement, together with the name of the vendor if sold other than at the ticket office of the theater, opera, or other place of amusement Whoever sells an admission ticket or card on which the name of the vendor and price is not so printed, stamped, or written, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100 (June 2, 1924, 4:01 p m, c. 234, § 500, 43 Stat 320)

This section is § 500 of Title V of the Revenue Act of 1924, cited above
Sections 800, 801, 802, of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 289-291), are repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t
Sections 800, 801, 802, of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat. 1120, 1121), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371½j.

§ 6309½e. Tax on club dues or fees; amount; exemptions—On and after the date this title takes effect there shall be levied, assessed, collected, and paid, in lieu of the taxes imposed by section 801 of the Revenue Act of 1921, a tax equivalent to 10 per centum of any amount paid on or after such date, for any period after such date, (a) as dues or membership fees (where the dues or fees of an active resident annual member are in excess of $10 per year) to any social, athletic, or sporting club or organization, or (b) as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of $10 per year, such taxes to be paid by the person paying such dues or fees: Provided, That there shall be exempted from the provisions of this section all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university. In the case of life memberships a life member shall pay annually, at the time for the payment of dues by active resident annual members, a tax equivalent to the tax upon the amount paid by such a member, but shall pay no tax upon the amount paid for life membership. (June 2, 1924, 4:01 p. m., c 234, § 501, 43 Stat. 321.)

This section is § 501 of Title V of the Revenue Act of 1924, cited above
See note to § 6309½d, ante.

§ 6309½f. Collection of taxes imposed by Title; returns; penalty—(a) Every person receiving any payments for such admission, dues or fees shall collect the amount of the tax imposed by section 500 or 501 from the person making such payments. Every club or organization having life members shall collect from such members the amount of the tax imposed by section 501. Such persons shall make monthly returns under oath, in duplicate, and pay the taxes so collected to the collector of the district in which the principal office or place of business is located.

(b) Any person making a refund of any payment upon which tax is collected under this section may repay therewith the amount of the tax collected on such payment; and the amount so repaid may be credited against amounts included in any subsequent monthly return

(c) The returns required under this section shall contain such information, and be made at such times and in such manner, as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

(d) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid (June 2, 1924, 4 01 p. m, c. 234, § 502, 43 Stat 322)

This section is § 502 of Title V of the Revenue Act of 1924, cited above
See note to § 6309½d, ante

§ 6309½g. Time of taking effect of Title—This title shall take effect on the expiration of thirty days after the enactment of this Act. (June 2, 1924, 4.01 p m, c 234, § 503, 43 Stat 322)

This section is § 503 of Title V of the Revenue Act of 1924 cited above
See note to § 6309½d, ante

Chapter Eight F—Miscellaneous Articles

§§ 6309¾a–6309¾d. [Repealed]

These sections, which were §§ 600-603 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 316-318, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371½a See, also, post, §§ 6309¾e-6309¾k, and notes thereunder

Chapter Eight G—Excise Taxes

This chapter contains Title VI of the Revenue Act of 1924, and section 906 of the Revenue Act of 1921 Said Title is entitled "Excise Taxes"

§ 6309¾e. Payment of taxes by vendee or lessee in certain cases; to whom paid; refunds by vendor or lessor; dealer defined—(a) If (1) any person has, prior to August 15, 1921, made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed by section 900 or 904, or by this subdivision, and in respect to which no corresponding tax was imposed by section 900 of the Revenue Act of 1918, and (2) such contract does not permit the adding, to the amount to be paid thereunder, of the whole of the tax imposed by section 900 or 904 of this Act or by this subdivision; then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of the tax imposed by section 900 or 904 of this Act or by this subdivision as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, no tax shall be collected under this Act.

(b) If (1) any person has, prior to August 15, 1921, made a bona fide contract with any other person for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed by section 900 of this Act, and in respect to which a corresponding but greater tax was imposed by section 900 of the Revenue Act of 1918, (2) the contract price includes the amount of the tax imposed by section 900 of the Revenue Act of 1918, and (3) such contract does not permit the deduction, from the amount to be paid thereunder, of the whole of the difference between the corresponding tax imposed by section 900 of the Revenue Act of 1918 and the tax imposed by section 900 of this Act; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such difference as is not so permitted to be deducted from the contract price.

(c) If (1) any person has, prior to August 15, 1921, made a bona fide contract with any other person for the sale or lease, after December 31, 1921, of any article in respect to which a tax was imposed by section 900 of the Revenue Act of 1918, and in respect to which no corresponding tax is imposed by section 900 of this Act, (2) the contract price includes the amount of the tax imposed by section 900 of the Revenue Act of 1918, and (3) such contract does not permit deduction, from the amount to be paid thereunder, of the tax imposed by section 900 of the Revenue

Act of 1918; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such tax as is not so permitted to be deducted from the contract price

(d) The taxes payable by the vendee or lessee under subdivision (a), shall be paid to the vendor or lessor at the time the sale or lease is consummated, and collected, returned and paid to the United States by such vendor or lessor in the same manner and subject to the same penalties and interest as provided by section 903

(e) Any refund by the vendor or lessor under subdivision (b) or (c) shall be made at the time the sale or lease is consummated. Upon the failure of the vendor or lessor so to refund, he shall be liable to the vendee or lessee for damages in the amount of three times the amount of such refund, and the court shall include in any judgment in favor of the vendee or lessee in any suit for the recovery of such damages, costs of the suit and a reasonable attorney's fee to be fixed by the court

(f) A vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale shall be included in the term "dealer," as used in this section. (Nov. 23, 1921, c. 136, § 906, 42 Stat. 293.)

This section is § 906 of the Revenue Act of 1921, cited above

Sections 900, 901, 902, 903, 904, 905, of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 291-293), were repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t

Sections 900, 901, 902, 903, 904, 905, 906, 907, of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1122-1125), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j

See post, §§ 6309¾f-6309¾k

§ 6309¾f. Tax on certain articles sold or leased—On and after the expiration of thirty days after the enactment of this Act there shall be levied, assessed, collected, and paid upon the following articles sold or leased by the manufacturer, producer, or importer, a tax equivalent to the following percentage of the price for which so sold or leased—

(1) Automobile truck and wagon chassis and automobile truck and wagon bodies—Automobile truck chassis and automobile wagon chassis sold or leased for an amount in excess of $1,000, and automobile truck bodies and automobile wagon bodies sold or leased for an amount in excess of $200 (including in both cases, tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), 3 per centum A sale or lease of an automobile truck or of an automobile wagon shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body;

(2) Other automobile chassis and bodies and motor cycles—Other automobile chassis and bodies and motor cycles (including tires, inner tubes, parts, and accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 5 per centum. A sale or lease of an automobile shall, for the purposes of this subdivision, be considered to be a sale of the chassis and of the body; .

(3) Tires, tubes, parts, and accessories for automobiles—Tires, inner tubes, parts, or accessories for any of the articles enumerated in subdivision (1) or (2), sold to any person other than a manufacturer or producer of any of the articles enumerated in subdivision (1) or (2), 2½ per centum. This subdivision shall not apply to chassis or bodies for automobile trucks, automobile wagons, or other automobiles;

(4) Cameras and lenses—Cameras, weighing not more than 100 pounds, and lenses for such cameras, 10 per centum;

(5) Photographic films and plates—Photographic films and plates (other than moving-picture films and other than X-ray films or plates), 5 per centum;

(6) Firearms, shells, and cartridges—Firearms, shells, and cartridges, except those sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, 10 per centum,

(7) Cigar or cigarette holders, and pipes—Cigar or cigarette holders and pipes, composed wholly or in part of meerschaum or amber, and humidors, 10 per centum;

(8) Coin-operated devices, machines, etc.—Coin-operated devices, coin-operated machines and devices and machines operated by any substitute for a coin, 5 per centum, if the manufacturer, producer, or importer of any such device or machine operates it for profit, he shall pay a tax in respect of each such device or machine put into operation equivalent to 5 per centum of its fair market value;

(9) Mah-Jongg sets—Mah-jongg, pung chow, and similar tile sets, and the component parts thereof, 10 per centum

Sales at wholesale and retail—If any manufacturer, producer, or importer of any of the articles enumerated in this section customarily sells such articles both at wholesale and at retail, the tax in the case of any article sold by him at retail shall be computed on the price for which like articles are sold by him at wholesale.

Tax in lieu of other taxes—The taxes imposed by this section shall, in the case of any article in respect of which a corresponding tax is imposed by section 900 of the Revenue Act of 1921, be in lieu of such tax. (June 2, 1924, 4.01 p m., c. 234, § 600, 43 Stat. 322.)

This section is § 600 of Title VI of the Revenue Act of 1924, cited above. See note to § 6309¾e, ante

§ 6309¾g. Same; sales or leases to affiliated corporations; sales or leases at less than fair market price—(a) If any person who manufactures, produces, or imports any article enumerated in section 600, sells or leases such article to a corporation affiliated with such person within the meaning of section 240 of this Act, at less than the fair market price obtainable therefor, the tax thereon shall be computed on the basis of the price at which such article is sold or leased by such affiliated corporation.

(b) If any such person sells or leases such article whether through any agreement, arrangement, or understanding, or otherwise, at less than the fair market price obtainable therefor, either (1) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or (2) with intent to cause such benefit, the amount for which such article is sold or leased shall be taken to be the amount which would have been received from the sale or lease of such article if sold or leased at the fair market price. (June 2, 1924, 4.01 p m., c. 234, § 601, 43 Stat 323.)

This section is § 601 of Title VI of the Revenue Act of 1924, cited above. See note to § 6309¾e, ante

For § 240, mentioned in this section, see post, § 6336¼ss

§ 6309¾h. Same; sculpture, paintings, statuary, etc.—There shall be levied, assessed, collected, and paid, in lieu of the tax imposed by section 902 of the Revenue Act of 1921, upon sculpture, paintings, statuary, art, porcelains, and bronzes, sold by any person other than the artist, a tax equivalent to 5 per centum of the price for which so sold. This section shall not apply to the sale of any such article (1) to an educational or religious institution or public art museum, or (2) by any dealer in such articles to

another dealer in such articles for resale. (June 2 1924, 4 01 p m . c 234, § 602, 43 Stat 323.)

This section is § 602 of Title VI of the Revenue Act of 1924, cited above See note to § 6309¾e, ante

§ 6309¾i. Same; returns; time for payment—Every person liable for any tax imposed by section 600 or 602 shall make monthly returns under oath in duplicate and pay the taxes imposed by such sections to the collector for the district in which is located the principal place of business Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid (June 2, 1924, 4 01 p m, c 234, § 603, 43 Stat. 324)

This section is § 603 of Title VI of the Revenue Act of 1924, cited above See note to § 6309¾e, ante

For §§ 600, 602, mentioned in this section, see ante, §§ 6309¾f, 6309¾h

§ 6309¾j. Tax on jewelry, etc.; amount; returns; time for payment; interest—(a) On and after the expiration of thirty days after the enactment of this Act there shall be levied, assessed, collected, and paid (in lieu of the tax imposed by section 905 of the Revenue Act of 1921) upon all articles commonly or commercially known as jewelry, whether real or imitation, pearls, precious and semiprecious stones, and imitations thereof, articles made of, or ornamented mounted or fitted with, precious metals or imitations thereof or ivory; watches; clocks; opera glasses; lorgnettes; marine glasses, field glasses; and binoculars; upon any of the above when sold or leased by or for a dealer or his estate for consumption or use, a tax equivalent to 5 per centum of the price for which so sold or leased

(b) The tax imposed by subdivision (a) shall not apply to (1) surgical instruments, musical instruments, eyeglasses, spectacles, or silver-plated flat tableware, or articles used for religious purposes; (2) articles sold or leased for an amount not in excess of $30, or (3) watches sold or leased for an amount not in excess of $60

(c) Every person selling any of the articles enumerated in this section shall make returns under oath in duplicate (monthly or quarterly as the Commissioner, with the approval of the Secretary, may prescribe) and pay the taxes imposed in respect to such articles by this section to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe

(d) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid (June 2, 1924, 4:01 p. m., c. 234, § 604, 43 Stat. 324)

This section is § 604 of Title VI of the Revenue Act of 1924, cited above. See note to § 6309¾e, ante.

§ 6309¾k. Payment of tax by vendee or lessee in certain cases; to whom paid; refunds; dealer defined—(a) If (1) any person has, prior to January 1, 1924, made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect of which a tax is imposed by section 600, or by this subdivision, and in respect of which no corresponding tax was imposed by section 900 of the Revenue Act of 1921, and (2) such contract does not permit the adding, to the amount to be paid thereunder, of the whole of the tax imposed by section 600 of this Act or by this subdivision, then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of the tax imposed by section 600 of this Act or by this subdivision as is not so permitted to be added to the contract price If a contract of the character above described was made with any person other than a dealer, no tax shall be collected under this Act

(b) If (1) any person has, prior to January 1, 1924, made a bona fide contract with any other person for the sale or lease, after the tax takes effect, of any article in respect of which a tax is imposed by section 600 of this Act, and in respect of which a corresponding but greater tax was imposed by section 900 of the Revenue Act of 1921, (2) the contract price includes the amount of the tax imposed by section 900 of the Revenue Act of 1921, and (3) such contract does not permit the deduction, from the amount to be paid thereunder, of the whole of the difference between the corresponding tax imposed by section 900 of the Revenue Act of 1921 and the tax imposed by section 600 of this Act; then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such difference as is not so permitted to be deducted from the contract price.

(c) If (1) any person has, prior to January 1, 1924, made a bona fide contract with any other person for the sale or lease, after the date of the enactment of this Act, of any article in respect of which a tax was imposed by section 900 or 904 of the Revenue Act of 1921, and in respect of which no corresponding tax is imposed by section 600 of this Act, (2) the contract price includes the amount of the tax imposed by section 900 or 904 of the Revenue Act of 1921, and (3) such contract does not permit deduction, from the amount to be paid thereunder, of the tax imposed by section 900 or 904 of the Revenue Act of 1921, then the vendor or lessor shall refund to the vendee or lessee so much of the amount of such tax as is not so permitted to be deducted from the contract price.

(d) The taxes payable by the vendee or lessee under subdivision (a), shall be paid to the vendor or lessor at the time the sale or lease is consummated, and collected, returned, and paid to the United States by such vendor or lessor in the same manner and subject to the same interest as provided by section 603.

(e) Any refund by the vendor or lessor under subdivision (b) or (c) shall be made at the time the sale or lease is consummated. Upon the failure of the vendor or lessor so to refund, he shall be liable to the vendee or lessee for damages in the amount of three times the amount of such refund, and the court shall include in any judgment in favor of the vendee or lessee in any suit for the recovery of such damages, costs of the suit and a reasonable attorney's fee to be fixed by the court

(f) A vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale shall be included in the term "dealer," as used in this section. (June 2, 1924, 4:01 p. m, c. 234, § 605, 43 Stat. 324)

This section is § 605 of Title VI of the Revenue Act of 1924, cited above

For corresponding provisions in § 906 of the Revenue Act of 1921, see ante, § 6309¾e. For corresponding provisions in § 1312 of the Revenue Act of 1918, see post, § 6371½m.

For § 600, mentioned in this section, see ante, § 6309¾f.

Chapter Nine—Stamp Taxes on Specific Objects

§§ 6318a-6318h. [Repealed]

These sections, which were §§ 800-807 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 319-324, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a. See, also, post, §§ 6318i-6318p, and notes thereunder.

§ 6318hh. Issue, register, or sale of unstamped instruments—Any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this Act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: Provided, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of ten dollars, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document or paper of any kind or description whatsoever mentioned in Schedule A of this Act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: And provided further, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: And provided further, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid (June 13, 1898, c. 448, § 13, 30 Stat. 454, amended, March 2, 1901, c. 806, § 7, 31 Stat. 941.)

This section, and the two sections next following, are sections 13-15 of Act June 13, 1898, c 448, 30 Stat. 448, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," cited above This act was the war revenue act of 1898 This section was amended by Act March 2, 1901, c. 806, § 7, also cited above, to read as set forth above

Sections 1, 3, 34-48, of said act, are set forth in U S Comp St 1918, as sections 6144, 6174, 6824, 6479, 6238, 5980, 6259-6270, thereof, respectively

Section 2 of said act was repealed by Act April 12, 1902, c. 500, § 2, 32 Stat 96 Section 4 of said act was repealed by Act April 12, 1902, c 500, § 5, 32 Stat 97. Sections 6, 12, 18, 20-25, 27-29, and schedules A and B of said act, were repealed by Act April 12, 1902, c 500, § 7, 32 Stat 97. Section 5 of said act was repealed by Act April 12, 1902, c 500, § 10, 32 Stat 99

The other sections of said act were not expressly repealed by said Act April 12, 1902, c 500, or by any subsequent law, but, because of the repeal of the provisions of said act of 1898, as above noted, which enumerated the taxes imposed, said unrepealed sections, including §§ 13-15, set forth here, were deemed no longer operative, the taxes to which they referred (particularly the documentary taxes) having been repealed, and were accordingly omitted from U S Comp. St. 1918 Stamp taxes on certain documents were again imposed by Act Oct 22, 1914, c. 331, §§ 5-24, 38 Stat 753-764, and by Res Dec 17, 1915, c. 4, 39 Stat. 2; but these taxes were repealed by Act Sept 8, 1916, c 463, § 410, 39 Stat. 792. Stamp taxes of a similar nature were again imposed by Act Oct. 3, 1917, c 63, §§ 800-807, 40 Stat 318-321. Said Act Oct. 3, 1917, c 63, §§ 800-807, however, contain no provisions like those of said §§ 13-15 of the act of 1898, and the Commissioner of Internal Revenue has held that said §§ 13-15 of said act of 1898 are in force and operative as to the documentary taxes imposed by said act of 1914. The act of 1917 was repealed by the Revenue act of 1918, § 1400, post, § 6371¾a, but similar stamp taxes were imposed by §§ 1100-1107 of the latter act See post, §§ 6318i-6318p, and notes thereunder. Accordingly, said §§ 13-15 are set forth in this compilation as §§ 6318hh-6318hhh.

§ 6318hhh. Unstamped instruments as evidence—Hereafter no instrument, paper, or document required by law to be stamped, which has been signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded or admitted, or used as evidence in any court until a legal stamp or stamps, denoting the amount of tax, shall have been affixed thereto, as prescribed by law: Provided, That any bond, debenture, certificate of stock, or certificate of indebtedness issued in any foreign country shall pay the same tax as is required by law on similar instruments when issued, sold, or transferred in the United States; and the party to whom the same is issued, or by whom it is sold or transferred, shall, before selling or transferring the same, affix thereon the stamp or stamps indicating the tax required. (June 13, 1898, c. 448, § 14, 30 Stat. 455.)

See note to § 6318hh.

§ 6318hhhh. Record of unstamped instruments—It shall not be lawful to record or register any instrument, paper, or document required by law to be stamped unless a stamp or stamps of the proper amount shall have been affixed and canceled in the manner prescribed by law; and the record, registry, or transfer of any such instruments upon which the proper stamp or stamps aforesaid shall not have been affixed and canceled as aforesaid shall not be used in evidence. (June 13, 1898, c. 448, § 15, 30 Stat. 455)

See note to § 6318hh.

§ 6318i. Tax on certain enumerated documents and instruments—On and after the expiration of thirty days after the enactment of this Act there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this title, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or printed, by any person who makes, signs, issues, sells, removes, consigns, or ships the same, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped, the several taxes specified in such schedule. The taxes imposed by this section shall, in the case of any article upon which a corresponding stamp tax is now imposed by law, be in lieu of such tax. (June 2, 1924, 4·01 p. m., c. 234, § 800, 43 Stat. 331.)

This section is § 800 of Title VIII of the Revenue Act of 1924, cited above.

Sections 1100-1107 of the Revenue Act of 1921 (Act Nov. 23, 1921, c. 136, 42 Stat 301-303) are repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t

Sections 1100-1107 of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat. 1133-1135) were repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j

§ 6318j. Same; exemptions—There shall not be taxed under this title any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power; or any bond of indemnity required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-savings certificate, warrant or check, issued by the United States; or stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies. (June 2, 1924, 4:01 p. m., c. 234, § 801, 43 Stat. 332)

This section is § 801 of Title VIII of the Revenue Act of 1924, cited above.

§ 6318k. Same; offenses—Whoever—

(a) Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid;

(b) Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid;

(c) Makes use of any adhesive stamp to denote any tax imposed by this title without canceling or obliterating such stamp as prescribed in section 804;

Is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense (June 2, 1924, 4:01 p. m., c. 234, § 802, 43 Stat. 332.)

This section is § 802 of Title VIII of the Revenue Act of 1924, cited above.

§ 6318l Same; other offenses—Whoever—

(a) Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title;

(b) Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, (1) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title; or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value, or (3) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article,

(c) Willfully removes, or alters the cancellation, or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has been already used, or knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same;

(d) Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

Is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States. (June 2, 1924, 4·01 p. m, c. 234, § 803, 43 Stat. 332.)

This section is § 803 of Title VIII of the Revenue Act of 1924, cited above

§ 6318m. Same; cancellation of stamps—Whenever an adhesive stamp is used for denoting any tax imposed by this title, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: Provided, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient. (June 2, 1924, 4·01 p. m., c. 234, § 804, 43 Stat. 333)

This section is § 804 of Title VIII of the Revenue Act of 1924, cited above

§ 6318n. (a) Same; stamps; preparation and distribution—The Commissioner shall cause to be prepared and distributed for the payment of the taxes prescribed in this title suitable stamps denoting the tax on the document, articles, or thing to which the same may be affixed, and shall prescribe such method for the affixing of said stamps in substitution for or in addition to the method provided in this title, as he may deem expedient.

(b) Same; collection of omitted taxes—All internal revenue laws relating to the assessment and collection of taxes are hereby extended to and made a part of this title, so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein. (June 2, 1924, 4:01 p. m., c. 234, § 805, 43 Stat 333)

This section is § 805 of Title VIII of the Revenue Act of 1924, cited above.

§ 6318o. Same; stamps for Postmaster General; distribution and sale—The Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive stamps to be distributed to and kept on sale by the various postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections (June 2, 1924, 4 01 p. m., c. 234, § 806, 43 Stat. 333.)

This section is § 806 of Title VIII of the Revenue Act of 1924, cited above

§ 6318p. Same; stamps for assistant treasurers, designated depositaries, or state agents; bonds; schedule of taxes—(a) Each collector shall furnish, without prepayment, to any assistant treasurer or designated depositary of the United States, located in the district of such collector, a suitable quantity of adhesive stamps to be kept on sale by such assistant treasurer or designated depositary

(b) Each collector shall furnish, without prepayment, to any person who is (1) located in the district of such collector, (2) duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and (3) designated by the Commissioner for the purpose, a suitable quantity of such adhesive stamps as are required by subdivisions 2, 3, and 4 of Schedule A of this title, to be kept on sale by such person.

(c) In such cases the collector may require a bond with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand The Secretary may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps.

SCHEDULE A—STAMP TAXES

(1) Bonds, debentures, certificates of indebtedness, and other corporate securities—Bonds of indebtedness: On all bonds, debentures, or certificates of indebtedness issued by any person, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each $100 of face value or fraction thereof, 5 cents: Provided, That every renewal of the foregoing shall be taxed as a new issue: Provided further, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured.

(2) Issues of capital stock—Capital stock, issued: On each original issue, whether on organization or reorganization, of certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, on each $100 of face value or fraction thereof, 5 cents· Provided, That where a certificate is issued without face value, the tax shall be 5 cents per share, unless the actual value is in excess of $100 per share, in which case the tax shall be 5 cents on each $100 of actual value or fraction thereof, or unless the actual value is less than $100 per share, in which case the tax shall be 1 cent on each $20 of actual value, or fraction thereof.

The stamps representing the tax imposed by this subdivision shall be attached to the stock books and not to the certificates issued

(3) Sales or transfers of capital stock—Capital stock, sales or transfers On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to shares or certificates of stock or of profits or of interest in property or accumulations in any corporation, or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, interest, or rights, or not, on each $100 of face value or fraction thereof, 2 cents, and where such shares are without par or face value, the tax shall be 2 cents on the transfer or sale or agreement to sell on each share: Provided, That it is not intended by this title to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited, nor upon mere loans of stock nor upon the return of stock so loaned: Provided further, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts. Provided further, That in case of sale where the evidence of transfer is shown only by the books of the corporation the stamp shall be placed upon such books, and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any stock, interest or right, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

(4) Sales on exchange for future delivery—Produce, sales of, on exchange: Upon each sale, agreement of sale, or agreement to sell (not including so-called transferred or scratch sales), any products or merchandise at, or under the rules or usages of, any exchange, or board of trade, or other similar place, for future delivery, for each $100 in value of the merchandise covered by said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: Provided, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale· Provided further, That sellers of commodities described herein, having paid the tax provided by this subdivision, may transfer such contracts to a clearing-house corporation or association, and such transfer

shall not be deemed to be a sale, or agreement of sale, or an agreement to sell within the provisions of this Act, provided that such transfer shall not vest any beneficial interest in such clearing-house association but shall be made for the sole purpose of enabling such clearing-house association to adjust and balance the accounts of the members of such clearing-house association on their several contracts Every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers, and any person liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person, who makes any such sale or agreement of sale, or agreement to sell, or who, in pursuance of any such sale, agreement of sale, or agreement to sell, delivers any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who delivers such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000 or be imprisoned not more than six months, or both.

No bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell in case of cash sales of products of merchandise for immediate or prompt delivery which in good faith are actually intended to be delivered shall be subject to this tax

This subdivision shall not affect but shall be in addition to the provisions of the "United States Cotton Futures Act," approved August 11, 1916, as amended, and "The Future Trading Act," approved August 24, 1921

(5) Conveyances of land—Conveyances: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, 50 cents; and for each additional $500 or fractional part thereof, 50 cents. This subdivision shall not apply to any instrument or writing given to secure a debt

(6) Entries at custom houses—Entry of any goods, wares, or merchandise at any customhouse, either for consumption or warehousing, not exceeding $100 in value, 25 cents; exceeding $100 and not exceeding $500 in value, 50 cents, exceeding $500 in value, $1.

(7) Entries for withdrawal from customs bonded warehouses—Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

(8) Passage tickets to ports not in United States, Canada, or Mexico—Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, or Mexico, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3, costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.

(9) Voting proxies—Proxy for voting at any election for officers, or meeting for the transaction of business, of any corporation, except religious, educational, charitable, fraternal, or literary societies, or public cemeteries, 10 cents.

(10) Powers of attorney—Power of attorney granting authority to do or perform some act for or in behalf of the grantor, which authority is not otherwise vested in the grantee, 25 cents. This subdivision shall not apply to any papers necessary to be used for the collection of claims from the United States or from any State for pensions, back pay, bounty, or for property lost in the military or naval service, nor to powers of attorney required in bankruptcy cases nor to powers of attorney contained in the application of those who become members of or policyholders in mutual insurance companies doing business on the interinsurance or reciprocal indemnity plan through an attorney in fact

(11) Playing cards—Playing cards: Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 10 cents per pack.

(12) Insurance policies—On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon property within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, wind-storm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 3 cents on each dollar, or fractional part thereof of the premium charged· Provided, That policies of reinsurance shall be exempt from the tax imposed by this subdivision.

Any person to or for whom or in whose name any such policy or other instrument is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, and for failure to affix such stamps with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of the tax. (June 2, 1924, 4:01 p. m., c. 234, § 807, 43 Stat. 333)

This section is § 807 of Title VIII of the Revenue Act of 1924, cited above

Chapter Nine A—Incomes

The provisions of this chapter, which included the Income Tax provisions of the Revenue Act of 1916 and the Revenue Act of 1917, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a See, also, post, §§ 6336¼a-6336¼zz(10) and notes thereunder.

§§ 6336a-6336zz. [Repealed.]

See note at the beginning of this chapter. See, also, post, Chapter Nine AA.

Chapter Nine AA—Income Tax

This chapter includes the income tax provisions of the Revenue Act of 1924, as amended Such provisions appear in said Act under the heading—"Title II—Income Tax" Sections 200-206, 210-247, 250-264, of the Revenue Act of 1921 (Act Nov. 23, 1921, c. 136, 42 Stat. 227-271), as amended by Act Sept 19, 1922, c 346, §§ 21-27, 42 Stat. 855, 856, Act March 4, 1923, c. 276, § 1, 42 Stat. 1504, Act March 4, 1923, c. 280, §§ 1, 2, 42 Stat. 1507, March 4, 1923, c 294, §§ 1, 2, 42 Stat. 1560, and Act March 13, 1924, c 55, 43 Stat. 22, being Title II of said act, entitled "Income Tax," are

repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t

Sections 200-206, 210-228, 230-241, 250-261, of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1058-1088) being Title II of said act, entitled "Income Tax," were repealed by § 1400 of the Revenue Act of 1921, post, § 6371½j

PART I.—GENERAL PROVISIONS

DEFINITIONS

§ 6336½. Definitions—When used in this title—

(a) The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under section 212 or 232 The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December The term "taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this title or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made The first taxable year, to be called the taxable year 1924, shall be the calendar year 1924 or any fiscal year ending during the calendar year 1924.

(b) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(c) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 221 or 237.

(d) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under section 212 or 232. The deductions and credits provided for in this title shall be taken for the taxable year in which "paid or accrued", or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed under section 212 or 232, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period.

(e) The term "stock" includes the share in an association, joint-stock company, or insurance company.

(f) The term "shareholder" includes a member in an association, joint-stock company, or insurance company. (June 2, 1924, 4.01 p. m., c. 234, § 200, 43 Stat. 254.)

This section is § 200 of Title II of the Revenue Act of 1924, cited above

For §§ 202, 203, 204, 212, 221, 232, and 237, mentioned in this section, see post, §§ 6336½b, 6336½bb, 6336½bbb, 6336½f, 6336½jj, 6336½o, 6336½r.

DISTRIBUTIONS BY CORPORATIONS

§ 6336½a. Dividends and distributions—(a) The term "dividend" when used in this title (except in paragraph (9) of subdivision (a) of section 234 and paragraph (4) of subdivision (a) of section 245) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.

(b) For the purposes of this Act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section 204.

(c) Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock The gain or loss to the distributee resulting from such exchange shall be determined under section 202, but shall be recognized only to the extent provided in section 203 In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of subdivision (g) of section 203 of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of this section for the purpose of determining the taxability of subsequent distributions by the corporation

(d) If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913 and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section 204, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property The provisions of this paragraph shall also apply to distributions from depletion reserves based on the discovery value of mines

(e) Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or the Revenue Act of 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or section 218 of the Revenue Act of 1921, shall be exempt from tax to the distributees.

(f) A stock dividend shall not be subject to tax, but if before or after the distribution of any such dividend the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that it represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend

(g) As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock (June 2, 1924, 4.01 p. m, c 234, § 201, 43 Stat 254.)

This section is § 201 of Title II of the Revenue Act of 1924, cited above

For §§ 202, 203, 204, 234, 245, mentioned in this section, see post, §§ 6336½b, 6336½bb, 6336½bbb, 6336½pp, 6336½t(4).

DETERMINATION OF AMOUNT OF GAIN OR LOSS

§ 6336½b. Amount of gain derived or loss sustained from sale or other disposition of property—(a) Except as hereinafter provided in this section, the gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the basis provided in subdivision (a) or (b) of section 204, and the loss shall be the excess of such basis over the amount realized

(b) In computing the amount of gain or loss under subdivision (a) proper adjustment shall be made for (1) any expenditure properly chargeable to capital account, and (2) any item of loss, exhaustion, wear and tear, obsolescence, amortization, or depletion, previously allowed with respect to such property.

(c) The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

(d) In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized for the purposes of this title, shall be determined under the provisions of section 203

(e) Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received. (June 2, 1924, 4 01 p. m., c. 234, § 202, 43 Stat. 255)

This section is § 202 of Title II of the Revenue Act of 1924, cited above
For § 203, mentioned in this section, see post, § 6336½bb

RECOGNITION OF GAIN OR LOSS FROM SALES AND EXCHANGES

§ 6336½bb. Gains or losses not recognized— (a) Upon the sale or exchange of property the entire amount of the gain or loss, determined under section 202, shall be recognized, except as hereinafter provided in this section.

(b) (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment, or if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(2) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(3) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(4) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(5) If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

(c) If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized

(d) (1) If an exchange would be within the provisions of paragraph (1), (2), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913 The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property

(e) If an exchange would be within the provisions of paragraph (3) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, so received, which is not so distributed

(f) If an exchange would be within the provisions of paragraph (1), (2), (3), or (4) of subdivision (b) if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized

(g) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, of its stock or securities or stock or securities in a corporation a party to the reorganization, shall not be considered a distribution of earnings or profits within the meaning of subdivision (b) of section 201 for the purpose of determining the taxability of subsequent distributions by the corporation.

(h) As used in this section and sections 201 and 204—

(1) The term "reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation), or (B) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisi-

tion by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation

(1) As used in this section the term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation (June 2, 1924, 4·01 p m., c. 234, § 203, 43 Stat 256)

This section is § 203 of Title II of the Revenue Act of 1924, cited above
For §§ 201, 202, and 204, mentioned in this section, see ante, §§ 6336¼a, 6336½b, and post, § 6336½bbb

BASIS FOR DETERMINING GAIN OR LOSS, DEPLETION, AND DEPRECIATION

§ 6336½bbb. Basis of determining gain or loss, etc.—(a) The basis for determining the gain or loss from the sale or other disposition of property acquired after February 28, 1913, shall be the cost of such property; except that—

(1) If the property should have been included in the last inventory, the basis shall be the last inventory value thereof;

(2) If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. If the facts necessary to determine such basis are unknown to the donee, the Commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis shall be the fair market value of such property as found by the Commissioner as of the date or approximate date at which, according to the best information that the Commissioner is able to obtain, such property was acquired by such donor or last preceding owner;

(3) If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made. The provisions of this paragraph shall not apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921 or in subdivision (c), (d), or (f) of section 302 of this Act;

(4) If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition;

(5) If the property was acquired by bequest, devise, or inheritance, the basis shall be the fair market value of such property at the time of such acquisition. The provisions of this paragraph shall apply to the acquisition of such property interests as are specified in subdivision (c) or (e) of section 402 of the Revenue Act of 1921, or in subdivision (c), (d), or (f) of section 302 of this Act;

(6) If the property was acquired upon an exchange described in subdivision (b), (d), (e), or (f) of section 203, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by paragraph (1), (2), (3), or (4) of subdivision (b) of section 203 to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it;

(7) If the property (other than stock or securities in a corporation a party to the reorganization) was acquired after December 31, 1917, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 80 per centum or more remained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(8) If the property (other than stock or securities in a corporation a party to a reorganization) was acquired after December 31, 1920, by a corporation by the issuance of its stock or securities in connection with a transaction described in paragraph (4) of subdivision (b) of section 203 (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money in addition to such stock or securities), then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made;

(9) If the property consists of stock or securities distributed after December 31, 1923, to a taxpayer in connection with a transaction described in subdivision (c) of section 203, the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, between such stock and the stock or securities distributed;

(10) If the property was acquired as the result of a compulsory or involuntary conversion described in paragraph (5) of subdivision (b) of section 203, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made;

(11) If substantially identical property was acquired after December 31, 1920, in place of stock or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under paragraph (5) of subdivision (a) of section 214 or paragraph (4) of subdivision (a) of section 234 of this Act or the Revenue Act of 1921, the basis in the case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis shall be decreased in the amount of the difference.

(b) The basis for determining the gain or loss from the sale or other disposition of property acquired before March 1, 1913, shall be (A) the cost of such

property (or, in the case of such property as is described in paragraph (1), (4), or (5), of subdivision (a), the basis as therein provided), or (B) the fair market value of such property as of March 1, 1913, whichever is greater In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date

(c) The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the same as is provided in subdivision (a) or (b) for the purpose of determining the gain or loss upon the sale or other disposition of such property, except that in the case of mines, oil and gas wells, discovered by the taxpayer after February 28, 1913, and not acquired as the result of purchase of a proven tract or lease, where the fair market value of the property is materially disproportionate to the cost, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter; but such depletion allowance based on discovery value shall not exceed 50 per centum of the net income (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance be less than it would be if computed without reference to discovery value (June 2, 1924, 4:01 p. m., c. 234, § 204, 43 Stat 258)

This section is § 204 of Title II of the Revenue Act of 1924, cited above

For §§ 203, 214, 234, 302, mentioned in this section, see ante, § 6336½bb, and post, §§ 6336½g, 6336½pp, 6336½b

INVENTORIES

§ 6336½c. Requirement of inventories—Whenever in the opinion of the Commissioner the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the Commissioner, with the approval of the Secretary, may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income. (June 2, 1924, 4:01 p. m., c 234, § 205, 43 Stat. 260.)

This section is § 205 of Title II of the Revenue Act of 1924, cited above.

NET LOSSES

§ 6336½cc. Net losses; determination of—(a) As used in this section the term "net loss" means the excess of the deductions allowed by section 214 or 234 over the gross income, with the following exceptions and limitations:

(1) Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business;

(2) In the case of a taxpayer other than a corporation, deductions for capital losses otherwise allowed by law shall be allowed only to the extent of the capital gains;

(3) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value;

(4) The deduction provided for in paragraph (6) of subdivision (a) of section 234 of amounts received as dividends shall not be allowed;

(5) There shall be included in computing gross income the amount of interest received free from tax under this title, decreased by the amount of interest paid or accrued and losses sustained which is not allowed as a deduction by paragraph (2) of subdivision (a) of section 214 or by paragraph (2) of subdivision (a) of section 234.

(b) If, for any taxable year, it appears upon the production of evidence satisfactory to the Commissioner that any taxpayer has sustained a net loss, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding taxable year (hereinafter in this section called "second year"), and if such net loss is in excess of such net income (computed without such deduction), the amount of such excess shall be allowed as a deduction in computing the net income for the next succeeding taxable year (hereinafter in this section called "third year"), the deduction in all cases to be made under regulations prescribed by the Commissioner with the approval of the Secretary.

(c) (1) If in the second year the taxpayer (other than a corporation) sustains a capital net loss, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year. If the deduction is in excess of the ordinary net income (computed without such deduction) then the amount of such excess shall be allowed as a deduction in computing net income for the third year.

(2) If in the second year the taxpayer (other than a corporation) has a capital net gain, the deduction allowed by subdivision (b) of this section shall first be applied as a deduction in computing the ordinary net income for such year If the deduction is in excess of the ordinary net income (computed without such deduction) the amount of such excess shall next be applied against the capital net gain for such year and if in excess of the capital net gain the amount of that excess shall be allowed as a deduction in computing net income for the third year

(d) If any portion of a net loss is allowed as a deduction in computing net income for the third year, under the provisions of either subdivision (b) or (c), and the taxpayer (other than a corporation) has in such year a capital net gain or a capital net loss, then the method of allowing such deduction in such third year shall be the same as provided in subdivision (c).

(e) If for the taxable year 1922 a taxpayer sustained a net loss in excess of his net income for the taxable year 1923 (such net loss and net income being computed under the Revenue Act of 1921), the amount of such excess shall be allowed as a deduction in computing net income for the taxable year 1924 in accordance with the method provided in subdivisions (b) and (c) of this section.

(f) If for the taxable year 1923 a taxpayer sustained a net loss within the provisions of the Revenue Act of 1921, the amount of such net loss shall be allowed as a deduction in computing net income for the two succeeding taxable years to the same extent and in the same manner as a net loss sustained for one taxable year is, under this Act, allowed as a deduction for the two succeeding taxable years

(g) If a taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his net loss for the period ending during the second calendar year shall be the sum of: (1) the same proportion of a net loss for the entire period, determined under the law applicable to the first calendar year, which the portion of such period falling within such calendar year is of the entire period; and (2) the same proportion of a net loss for the entire period, determined under the law applicable to the second calendar year, which the portion of such period falling within such calendar year is of the entire period.

(h) The benefit of this section shall be allowed to the members of a partnership, to an estate or trust, and to insurance companies subject to the tax imposed

by section 243 or 246, under regulations prescribed by the Commissioner with the approval of the Secretary (June 2, 1924, 4.01 p. m., c. 234, § 206, 43 Stat. 260.)

This section is § 206 of Title II of the Revenue Act of 1924, cited above

For §§ 214, 234, 243, 246, mentioned in this section, see post, §§ 6336½g, 6336½pp, 6336½t(2), 6336½t(5).

FISCAL YEARS

§ 6336½d. Proportion of tax for fiscal year with different rates—(a) If the taxpayer makes return for a period beginning in one calendar year (hereinafter in this subdivision called "first calendar year") and ending in the following calendar year (hereinafter in this subdivision called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his tax under this title for the period ending during the second calendar year shall be the sum of: (1) the same proportion of a tax for the entire period, determined under the law applicable to the first calendar year and at the rates for such year, which the portion of such period falling within the first calendar year is of the entire period, and (2) the same proportion of a tax for the entire period, determined under the law applicable to the second calendar year and at the rates for such year, which the portion of such period falling within the second calendar year is of the entire period

(b) If a fiscal year of a partnership begins in one calendar year and ends in another calendar year, and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then (1) the rates for the calendar year during which such fiscal year begins shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year, and (2) the rates for the calendar year during which such fiscal year ends shall apply to an amount of each partner's share of such partnership net income (determined under the law applicable to such calendar year) equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year. In such cases the part of such income subject to the rates in effect for the most recent calendar year shall be added to the other income of the taxpayer subject to such rates and the resulting amount shall be placed in the lower brackets of the rate schedule applicable to such year, and the part of such income subject to the rates in effect for the next preceding calendar year shall be placed in the next higher brackets of the rate schedule applicable to such year.

(c) Any amount paid before or after the enactment of this Act on account of the tax imposed for a fiscal year beginning in 1923 and ending in 1924 by Title II of the Revenue Act of 1921 shall be credited toward the payment of the tax imposed for such fiscal year by this Act, and if the amount so paid exceeds the amount of such tax imposed by this Act, the excess shall be credited or refunded in accordance with the provisions of section 281. (June 2, 1924, 4.01 p. m., c. 234, § 207, 43 Stat. 261)

This section is § 207 of Title II of the Revenue Act of 1924, cited above.

For § 281, mentioned in this section, see post, § 6336½zz(8).

CAPITAL GAINS AND LOSSES

§ 6336½dd. Capital gain; capital loss; capital deductions; ordinary deductions; capital net gain; capital net loss; ordinary net income; capital assets; tax in lieu of taxes imposed by §§ 210, 211; members of partnerships—(a) For the purposes of this title—

(1) The term "capital gain" means taxable gain from the sale or exchange of capital assets consummated after December 31, 1921;

(2) The term "capital loss" means deductible loss resulting from the sale or exchange of capital assets,

(3) The term "capital deductions" means such deductions as are allowed by section 214 for the purpose of computing net income, and are properly allocable to or chargeable against capital assets sold or exchanged during the taxable year,

(4) The term "ordinary deductions" means the deductions allowed by section 214 other than capital losses and capital deductions;

(5) The term "capital net gain" means the excess of the total amount of capital gain over the sum of (A) the capital deductions and capital losses, plus (B) the amount, if any, by which the ordinary deductions exceed the gross income computed without including capital gain,

(6) The term "capital net loss" means the excess of the sum of the capital losses plus the capital deductions over the total amount of capital gain;

(7) The term "ordinary net income" means the net income, computed in accordance with the provisions of this title, after excluding all items of capital gain, capital loss, and capital deductions; and

(8) The term "capital assets" means property held by the taxpayer for more than two years (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale in the course of his trade or business.

(b) In the case of any taxpayer (other than a corporation) who for any taxable year derives a capital net gain, there shall (at the election of the taxpayer) be levied, collected and paid, in lieu of the taxes imposed by sections 210 and 211 of this title, a tax determined as follows

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 210 and 211, and the total tax shall be this amount plus 12½ per centum of the capital net gain.

(c) In the case of any taxpayer (other than a corporation) who for any taxable year sustains a capital net loss, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 210 and 211 of this title, a tax determined as follows:

A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner provided in sections 210 and 211, and the total tax shall be this amount minus 12½ per centum of the capital net loss, but in no case shall the tax under this subdivision be less than the taxes imposed by sections 210 and 211 computed without regard to the provisions of this section

(d) The total tax determined under subdivision (b) or (c) shall be collected and paid in the same manner, at the same time, and subject to the same provisions of law, including penalties, as other taxes under this title.

(e) In the case of the members of a partnership, of an estate or trust, or of the beneficiary of an estate or trust, the proper part of each share of the net income which consists, respectively, of ordinary net income, capital net gain, or capital net loss, shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary, and shall be separately shown in the return of the partnership or estate or trust, and shall be taxed to the member or beneficiary or to the estate or trust as provided in sections 218 and 219, but at the rates and in the manner provided in subdivision (b) or (c)

of this section. (June 2, 1924, 4 01 p m, c. 234, § 208, 43 Stat. 262)

This section is § 208 of Title II of the Revenue Act of 1924, cited above.
For §§ 210, 211, 214, 218, 219, mentioned in this section, see post, §§ 6336½e, 6336½ee, 6336½g, 6336½i, 6336½ii

EARNED INCOME

§ 6336½ddd. Earned income, etc., defined—(a) For the purposes of this section—

(1) The term "earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer, not in excess of 20 per centum of his share of the net profits of such trade or business, shall be considered as earned income.

(2) The term "earned income deductions" means such deductions as are allowed by section 214 for the purpose of computing net income, and are properly allocable to or chargeable against earned income.

(3) The term "earned net income" means the excess of the amount of the earned income over the sum of the earned income deductions. If the taxpayer's net income is not more than $5,000, his entire net income shall be considered to be earned net income, and if his net income is more than $5,000, his earned net income shall not be considered to be less than $5,000 In no case shall the earned net income be considered to be more than $10 000.

(b) In the case of an individual the tax shall, in addition to the credits provided in section 222, be credited with 25 per centum of the amount of tax which would be payable if his earned net income constituted his entire net income; but in no case shall the credit allowed under this subdivision exceed 25 per centum of his tax under section 210.

(c) In the case of the members of a partnership the proper part of each share of the net income which consists of earned income shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary and shall be separately shown in the return of the partnership and shall be taxed to the member as provided in section 218. (June 2, 1924, 4.01 p. m., c. 234, § 209, 43 Stat 263.)

This section is § 209 of Title II of the Revenue Act of 1924, cited above
For §§ 210, 214, 218, 222, mentioned in this section, see post, §§ 6336½e, 6336½g, 6336½i, 6336½k.

PART II.—INDIVIDUALS

NORMAL TAX

§ 6336½e. Normal tax rates—(a) In lieu of the tax imposed by section 210 of the Revenue Act of 1921, there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 6 per centum of the amount of the net income in excess of the credits provided in section 216, except that in the case of a citizen or resident of the United States the rate upon the first $4,000 of such excess amount shall be 2 per centum, and upon the next $4,000 of such excess amount shall be 4 per centum;

(b) In lieu of the tax imposed by subdivision (a), there shall be levied, collected, and paid for each taxable year upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following

(1) 2 per centum of the amount by which the part of the net income attributable to wages, salaries, professional fees, or other amounts received as compensation for personal services actually performed in the United States, exceeds the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 2 per centum rate shall not exceed $4,000;

(2) 4 per centum of the amount by which such part of the net income exceeds the sum of (A) the credits provided in subdivisions (d) and (e) of section 216, plus (B) $4,000; but the amount taxable at such 4 per centum rate shall not exceed $4,000; and

(3) 6 per centum of the amount of the net income in excess of the sum of (A) the amount taxed under paragraphs (1) and (2), plus (B) the credits provided in section 216 (June 2, 1924, 4 01 p m., c. 234, § 210, 43 Stat. 264)

This section is § 210 of Title II of the Revenue Act of 1924, cited above
For § 216, mentioned in this section, see post, § 6336½h.

SURTAX

§ 6336½ee. Rates; bona fide sales of mines, oil or gas wells—(a) In lieu of the tax imposed by section 211 of the Revenue Act of 1921, but in addition to the normal tax imposed by section 210 of this Act, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a surtax as follows.

Upon a net income of $10,000 there shall be no surtax; upon net incomes in excess of $10,000 and not in excess of $14.000, 1 per centum of such excess

$40 upon net incomes of $14,000, and upon net incomes in excess of $14,000 and not in excess of $16,000, 2 per centum in addition of such excess.

$80 upon net incomes of $16,000; and upon net incomes in excess of $16,000 and not in excess of $18,000, 3 per centum in addition of such excess.

$140 upon net incomes of $18,000, and upon net incomes in excess of $18,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$220 upon net incomes of $20,000; and upon net incomes in excess of $20,000 and not in excess of $22,000, 5 per centum in addition of such excess.

$320 upon net incomes of $22,000; and upon net incomes in excess of $22,000 and not in excess of $24,000, 6 per centum in addition of such excess.

$440 upon net incomes of $24,000; and upon net incomes in excess of $24,000 and not in excess of $26,000, 7 per centum in addition of such excess.

$580 upon net incomes of $26,000; and upon net incomes in excess of $26,000 and not in excess of $28,000, 8 per centum in addition of such excess.

$740 upon net incomes of $28,000; and upon net incomes in excess of $28,000 and not in excess of $30,000, 9 per centum in addition of such excess

$920 upon net incomes of $30,000; and upon net incomes in excess of $30,000 and not in excess of $34,000, 10 per centum in addition of such excess.

$1,320 upon net incomes of $34,000; and upon net incomes in excess of $34,000 and not in excess of $36,000, 11 per centum in addition of such excess

$1,540 upon net incomes of $36,000; and upon net incomes in excess of $36,000 and not in excess of $38,000, 12 per centum in addition of such excess.

$1,780 upon net incomes of $38,000; and upon net incomes in excess of $38,000 and not in excess of $42,000, 13 per centum in addition of such excess.

$2,300 upon net incomes of $42,000; and upon net incomes in excess of $42,000 and not in excess of $44,000, 14 per centum in addition of such excess

$2 580 upon net incomes of $44,000, and upon net incomes in excess of $44,000 and not in excess of $46,000, 15 per centum in addition of such excess.

$2,880 upon net incomes of $46,000; and upon net incomes in excess of $46,000 and not in excess of $48,000, 16 per centum in addition of such excess.

$3.200 upon net incomes of $48,000; and upon net incomes in excess of $48,000 and not in excess of $50,000, 17 per centum in addition of such excess.

$3,540 upon net incomes of $50,000; and upon net incomes in excess of $50,000 and not in excess of $52,000, 18 per centum in addition of such excess

$3,900 upon net incomes of $52,000; and upon net incomes in excess of $52,000 and not in excess of $56,000, 19 per centum in addition of such excess

$4,660 upon net incomes of $56,000, and upon net incomes in excess of $56,000 and not in excess of $58,000, 20 per centum in addition of such excess

$5,060 upon net incomes of $58,000, and upon net incomes in excess of $58,000 and not in excess of $62,000, 21 per centum in addition of such excess.

$5,900 upon net incomes of $62,000; and upon net incomes in excess of $62,000 and not in excess of $64,000, 22 per centum in addition of such excess

$6,340 upon net incomes of $64,000; and upon net incomes in excess of $64,000 and not in excess of $66,000 23 per centum in addition of such excess

$6,800 upon net incomes of $66,000; and upon net incomes in excess of $66,000 and not in excess of $68,000, 24 per centum in addition of such excess.

$7,280 upon net incomes of $68,000; and upon net incomes in excess of $68,000 and not in excess of $70,000, 25 per centum in addition of such excess.

$7,780 upon net incomes of $70 000; and upon net incomes in excess of $70,000 and not in excess of $74,000, 26 per centum in addition of such excess.

$8,820 upon net incomes of $74,000, and upon net incomes in excess of $74,000 and not in excess of $76,000, 27 per centum in addition of such excess

$9,360 upon net incomes of $76,000; and upon net incomes in excess of $76,000 and not in excess of $80,000, 28 per centum in addition of such excess

$10,480 upon net incomes of $80,000, and upon net incomes in excess of $80,000 and not in excess of $82,000, 29 per centum in addition of such excess

$11,060 upon net incomes of $82,000; and upon net incomes in excess of $82,000 and not in excess of $84,000, 30 per centum in addition of such excess.

$11,660 upon net incomes of $84,000; and upon net incomes in excess of $84,000 and not in excess of $88,000, 31 per centum in addition of such excess.

$12,900 upon net incomes of $88,000; and upon net incomes in excess of $88,000 and not in excess of $90,000, 32 per centum in addition of such excess.

$13,540 upon net incomes of $90,000; and upon net incomes in excess of $90,000 and not in excess of $92,000, 33 per centum in addition of such excess.

$14,200 upon net incomes of $92,000; and upon net incomes in excess of $92,000 and not in excess of $94,000, 34 per centum in addition of such excess.

$14,880 upon net incomes of $94,000; and upon net incomes in excess of $94,000 and not in excess of $96,000, 35 per centum in addition of such excess.

$15,580 upon net incomes of $96,000; and upon net incomes in excess of $96,000 and not in excess of $100,000, 36 per centum in addition of such excess.

$17,020 upon net incomes of $100,000; and upon net incomes in excess of $100,000 and not in excess of $200,000, 37 per centum in addition of such excess

$54,020 upon net incomes of $200,000; and upon net incomes in excess of $200,000 and not in excess of $300,000, 38 per centum in addition of such excess.

$92,020 upon net incomes of $300,000, and upon net incomes in excess of $300,000 and not in excess of $500,000, 39 per centum in addition of such excess.

$170.020 upon net incomes of $500,000, and upon net incomes in excess of $500,000 in addition 40 per centum of such excess.

(b) In the case of a bona fide sale of mines, oil or gas wells. or any interest therein where the principal value of the property has been demonstrated by prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this section attributable to such sale shall not exceed 16 per centum of the selling price of such property or interest (June 2, 1924, 4 01 p m, c. 234, § 211, 43 Stat 265)

This section is § 211 of Title II of the Revenue Act of 1924, cited above
For § 210, mentioned in this section, see ante, § 6336½e.

NET INCOME OF INDIVIDUALS DEFINED

§ 6336½f. Net income; computation; change of accounting period—(a) In the case of an individual the term "net income" means the gross income as defined in section 213, less the deductions allowed by sections 214 and 206.

(b) The net income shall be computed upon the basis of the taxpayer s annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer, but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the Commissioner does clearly reflect the income If the taxpayer's annual accounting period is other than a fiscal year as defined in section 200 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

(c) If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the Commissioner, be computed on the basis of such new accounting period, subject to the provisions of section 226. (June 2, 1924, 4:01 p. m., c. 234, § 212, 43 Stat. 267.)

This section is § 212 of Title II of the Revenue Act of 1924, cited above
For §§ 206, 213, 214, 226, mentioned in this section, see ante, § 6336½cc, and post, §§ 6336½ff, 6336½g, 6336½m.

GROSS INCOME DEFINED

§ 6336½ff. Gross income; what included; what not included—For the purposes of this title, except as otherwise provided in section 233—

(a) The term "gross income" includes gains, profits, and income derived from salaries, wages or compensation for personal service (including in the case of the President of the United States, the judges of the Supreme and inferior courts of the United States, and all other officers and employees, whether elected or appointed, of the United States, Alaska, Hawaii, or any political subdivision thereof, or the District of Columbia, the compensation received as such), of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting per-

mitted under subdivision (b) of section 212, any such amounts are to be properly accounted for as of a different period.

(b) The term "gross income" does not include the following items, which shall be exempt from taxation under this title

(1) The proceeds of life insurance policies paid upon the death of the insured;

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract;

(3) The value of property acquired by gift, bequest, devise, or descent (but the income from such property shall be included in gross income);

(4) Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia, or (B) securities issued under the provisions of the Federal Farm Loan Act, or under the provisions of such Act as amended; or (C) the obligations of the United States or its possessions. Every person owning any of the obligations or securities enumerated in clause (A), (B), or (C) shall, in the return required by this title, submit a statement showing the number and amount of such obligations and securities owned by him and the income received therefrom, in such form and with such information as the commissioner may require. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit), the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt to the taxpayer from income taxes;

(5) The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States;

(6) Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness;

(7) Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, or income accruing to the Government of any possession of the United States, or any political subdivision thereof.

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

(A) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia, (under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year

(B) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

(8) The income of a nonresident alien or foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(9) Amounts received as compensation, family allotments and allowances under the provisions of the War Risk Insurance and the Vocational Rehabilitation Acts or the World War Veterans' Act, 1924, or as pensions from the United States for service of the beneficiary or another in the military or naval forces of the United States in time of war, or as a State pension for services rendered by the beneficiary or another for which the State is paying a pension;

(10) The amount received by an individual before January 1, 1927, as dividends or interest from domestic building and loan associations, substantially all the business of which is confined to making loans to members, but the amount excluded from gross income under this paragraph in any taxable year shall not exceed $300,

(11) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

(12) The receipts of shipowners' mutual protection and indemnity associations, not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other persons to the tax upon their net income from interest, dividends, and rents;

(13) In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a resident of China and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources within the United States, determined under the provisions of section 217. (June 2, 1924, 4:01 p. m., c. 234, § 213, 43 Stat. 267, amended, Feb. 26, 1925, c. 345, § 12, 43 Stat 997.)

This section is § 213 of Title II of the Revenue Act of 1924, cited above, as amended by Act Feb 26, 1925, c 345, § 12, cited above, by changing par (13) of subd (b) to read as set forth above. Prior to this amendment said par (13) read as follows: "In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a citizen of China, resident therein, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

(c) In the case of a nonresident alien individual, gross income means only the gross income from sources with-

in the United States, determined under the provisions of section 217."

For §§ 212, 217, 233, mentioned in this section, see ante, § 6336½f, and post, §§ 6336½hh, 6336½p

DEDUCTIONS ALLOWED INDIVIDUALS

§ 6336½g. Computation of net income; deductions allowed—(a) In computing net income there shall be allowed as deductions.

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business, and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

(2) All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title,

(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (B) so much of the income, war-profits and excess-profits taxes, imposed by the authority of any foreign country or possession of the United States, as is allowed as a credit under section 222, (C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and (D) taxes imposed upon the taxpayer upon his interest as shareholder of a corporation, which are paid by the corporation without reimbursement from the taxpayer For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by the law of the jurisdiction imposing such taxes;

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business;

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a nonresident alien individual only if the profit, if such transaction had resulted in a profit, would be taxable under this title. No deduction shall be allowed under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed;

(6) Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a nonresident alien individual only property within the United States) if arising from fires, storms, shipwreck, or other casualty, or from theft, and if not compensated for by insurance or otherwise The basis for determining the amount of the deduction under this paragraph, or paragraph (4) or (5), shall be the same as is provided in section 204 for determining the gain or loss from the sale or other disposition of property;

(7) Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt to be charged off in part,

(8) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

(9) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Commissioner, with the approval of the Secretary In the case of leases the deduction allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

(10) Contributions or gifts made within the taxable year to or for the use of: (A) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes, (B) any corporation or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, (C) the special fund for vocational rehabilitation authorized by section 7 of the Vocational Rehabilitation Act; (D) posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual, or (E) a fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this paragraph, except that if in the taxable year and in each of the ten preceding taxable years the amount in all the above cases combined exceeds 90 per centum of the taxpayer's net income for each such year, as computed without the benefit of this paragraph, then to the full amount of such contributions and gifts made within the taxable year. In case of a nonresident alien individual this deduction shall be allowed only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States, or to such vocational rehabilitation fund. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.

(b) In the case of a nonresident alien individual, the deductions allowed in subdivision (a), except those allowed in paragraphs (5), (6), and (10), shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the Commissioner with the approval of the Secretary. In the case of a citizen entitled to the benefits of section 262 the deductions shall be the same and shall be determined in the same manner as in the case of a nonresident alien individ-

ual (June 2, 1924, 4:01 p. m., c. 234, § 214, 43 Stat. 269)

This section is § 214 of Title II of the Revenue Act of 1924, cited above
For §§ 204, 217, 222, 262, mentioned in this section, see ante, § 6336½bbb, and post, §§ 6336½hh, 6336½k, 6336½x

ITEMS NOT DEDUCTIBLE

§ 6336½gg. Computation of net income; deductions not allowed—(a) In computing net income no deduction shall in any case be allowed in respect of—

(1) Personal, living, or family expenses;

(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made, or

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(b) Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled (June 2, 1924, 4.01 p. m., c. 234, § 215, 43 Stat. 271)

This section is § 215 of Title II of the Revenue Act of 1924, cited above

CREDITS ALLOWED INDIVIDUALS

§ 6336½h. Credits allowed for purpose of normal tax—For the purpose of the normal tax only there shall be allowed the following credits:

(a) The amount received as dividends (1) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922, or (2) from a foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 217;

(b) The amount received as interest upon obligations of the United States which is included in gross income under section 213;

(c) In the case of a single person, a personal exemption of $1,000; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $2,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $2,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(d) $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(e) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the personal exemption shall be only $1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262.

(f) (1) The credits allowed by subdivisions (d) and (e) of this section shall be determined by the status of the taxpayer on the last day of his taxable year.

(2) The credit allowed by subdivision (c) of this section shall, in case the status of the taxpayer changes during his taxable year, be the sum of (A) an amount which bears the same ratio to $1,000 as the number of months during which the taxpayer was single bears to 12 months, plus (B) an amount which bears the same ratio to $2,500 as the number of months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to 12 months. For the purposes of this paragraph a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

(3) In the case of an individual who dies during the taxable year, the credits allowed by subdivisions (c), (d), and (e) shall be determined by his status at the time of his death, and in such case full credits shall be allowed to the surviving spouse, if any, according to his or her status at the close of the taxable year. (June 2, 1924, 4:01 p. m., c. 234, § 216, 43 Stat. 272)

This section is § 216 of Title II of the Revenue Act of 1924, cited above
For §§ 213, 262, mentioned in this section, see ante, § 6336½ff, and post, § 6336½xn

NET INCOME OF NONRESIDENT ALIEN INDIVIDUALS

§ 6336½hh. Items of gross income treated as income from sources within and without United States; deductions from; allocation of items; definitions; returns of total income received from sources within United States; claims for credits—(a) In the case of a nonresident alien individual or of a citizen entitled to the benefits of section 262, the following items of gross income shall be treated as income from sources within the United States:

(1) Interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including (A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States and not having an office or place of business therein, or (B) interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Commissioner that less than 20 per centum of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable;

(2) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation less than 20 per centum of whose gross income is shown to the satisfaction of the Commissioner to have been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or (B) from a foreign corporation unless less than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the

close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this section;

(3) Compensation for labor or personal services performed in the United States;

(4) Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

(5) Gains, profits, and income from the sale of real property located in the United States.

(b) From the items of gross income specified in subdivision (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income The remainder, if any, shall be included in full as net income from sources within the United States

(c) The following items of gross income shall be treated as income from sources without the United States.

(1) Interest other than that derived from sources within the United States as provided in paragraph (1) of subdivision (a);

(2) Dividends other than those derived from sources within the United States as provided in paragraph (2) of subdivision (a);

(3) Compensation for labor or personal services performed without the United States;

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

(5) Gains, profits, and income from the sale of real property located without the United States.

(d) From the items of gross income specified in subdivision (c) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income The remainder, if any, shall be treated in full as net income from sources without the United States.

(e) Items of gross income, expenses, losses and deductions, other than those specified in subdivisions (a) and (c), shall be allocated or apportioned to sources within or without the United States under rules and regulations prescribed by the Commissioner with the approval of the Secretary. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the net income therefrom) the expenses, losses and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States. In the case of gross income derived from sources partly within and partly without the United States, the net income may first be computed by deducting the expenses, losses or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses or other deductions which can not definitely be allocated to some items or class of gross income; and the portion of such net income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the Commissioner with the approval of the Secretary. Gains, profits and income from (1) transportation or other services rendered partly within and partly without the United States, or (2) from the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, shall be treated as derived partly from sources within and partly from sources without the United States. Gains, profits and income derived from the purchase of personal property within and its sale without the United States or from the purchase of personal property without and its sale within the United States, shall be treated as derived entirely from sources within the country in which sold

(f) As used in this section the words "sale" or "sold" include "exchange" or "exchanged", and the word "produced" includes "created," "fabricated," "manufactured," "extracted," "processed," "cured," or "aged"

(g) (1) Except as provided in paragraph (2) a nonresident alien individual or a citizen entitled to the benefits of section 262 shall receive the benefit of the deductions and credits allowed in this title only by filing or causing to be filed with the collector a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in this title, including therein all the information which the Commissioner may deem necessary for the calculation of such deductions and credits.

(2) The benefit of the credits allowed in subdivisions (d) and (e) of section 216, and of the reduced rate of tax provided for in subdivision (b) of section 210, may, in the discretion of the Commissioner and under regulations prescribed by him with the approval of the Secretary, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent. (June 2, 1924, 4·01 p. m., c. 234, § 217, 43 Stat 273.)

This section is § 217 of Title II of the Revenue Act of 1924, cited above.

For §§ 210, 216, 262, mentioned in this section, see ante, §§ 6336½e, 6336½h, and post, § 6336½xx.

PARTNERSHIPS

§ 6336½i. Tax on partnerships; credits; net income—(a) Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the taxable year upon the basis of which the partner's net income is computed.

(b) The partner shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are received by the partnership.

(c) The net income of the partnership shall be computed in the same manner and on the same basis as provided in section 212 except that the deduction provided in paragraph (10) of subdivision (a) of section 214 shall not be allowed. (June 2, 1924, 4.01 p. m., c. 234, § 218, 43 Stat. 275.)

This section is § 218 of Title II of the Revenue Act of 1924, cited above.

For §§ 212, 214, mentioned in this section, see ante, §§ 6336½f, 6336½g.

ESTATES AND TRUSTS

§ 6336½ii. Incomes of estates or property held in trust; computation; net incomes; deductions and credits; stock bonus or profit sharing plan; revesting or distribution of trusts—(a) The tax imposed by Parts I and II of this title shall apply to the income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust,

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated

(b) Except as otherwise provided in subdivisions (g) and (h), the tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in section 212, except that—

(1) There shall be allowed as a deduction (in lieu of the deduction authorized by paragraph (10) of subdivision (a) of section 214) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 214, or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit;

(2) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under paragraph (3) in the same or any succeeding taxable year;

(3) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

(c) For the purpose of the normal tax the estate or trust shall be allowed the same credit as is allowed to a single person under subdivision (c) of section 216, and, if no part of the income of the estate or trust is included in computing the net income of any legatee, heir, or beneficiary, then in addition the same credits as are allowed by subdivisions (a) and (b) of section 216.

(d) If any part of the income of an estate or trust is included in computing the net income of any legatee, heir, or beneficiary, such legatee, heir, or beneficiary, shall, for the purpose of the normal tax, be allowed as credits, in addition to the credits allowed to him under section 216, his proportionate share of such amounts specified in subdivisions (a) and (b) of section 216 as are, under this section, required to be included in computing his net income Any remaining portion of such amounts specified in subdivisions (a) and (b) of section 216 shall, for the purpose of the normal tax, be allowed as credits to the estate or trust

(e) If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under paragraph (2) of subdivision (b) of this section, to include in computing his net income, shall be based upon the income of the estate or trust for its taxable year ending within his taxable year

(f) A trust created by an employer as a part of a stock bonus or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him Such distributees shall for the purpose of the normal tax be allowed as credits such part of the amount so distributed or made available as represents the items specified in subdivisions (a) and (b) of section 216.

(g) Where the grantor of a trust has, at any time during the taxable year, either alone or in conjunction with any person not a beneficiary of the trust, the power to revest in himself title to any part of the corpus of the trust, then the income of such part of the trust for such taxable year shall be included in computing the net income of the grantor.

(h) Where any part of the income of a trust may, in the discretion of the grantor of the trust, either alone or in conjunction with any person not a beneficiary of the trust, be distributed to the grantor or be held or accumulated for future distribution to him, or where any part of the income of a trust is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in paragraph (10) of subdivision (a) of section 214), such part of the income of the trust shall be included in computing the net income of the grantor. (June 2, 1924, 4:01 p. m., c. 234, § 219, 43 Stat 275)

This section is § 219 of Title II of the Revenue Act of 1924, cited above

For §§ 212, 214, 216, mentioned in this section, see ante, §§ 6336½f, 6336½g, 6336½h

EVASION OF SURTAXES BY INCORPORATION

§ 6336½j. Tax on accumulated profits of corporations; statements of gains and profits; net income—(a) If any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its shareholders through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 50 per centum of the amount thereof, which shall be in addition to the tax imposed by section 230 of this title and shall (except as provided in subdivision (d) of this section) be computed, collected, and paid upon the same

basis and in the same manner and subject to the same provisions of law, including penalties, as that tax.

(b) The fact that any corporation is a mere holding or investment company, or that the gains or profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to escape the surtax

(c) When requested by the Commissioner, or any collector, every corporation shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed, and of the amounts that would be payable to each

(d) As used in this section the term "net income" means the net income as defined in section 232, increased by the sum of the amount of the deduction allowed under paragraph (6) of subdivision (a) of section 234, and the amount of the interest on obligations of the United States issued after September 1, 1917, which would be subject to tax in whole or in part in the hands of an individual owner (June 2, 1924, 4.01 p. m., c. 234, § 220, 43 Stat. 277)

This section is § 220 of Title II of the Revenue Act of 1924, cited above
For §§ 230, 232, 234 mentioned in this section, see post, §§ 6336½n, 6336½o, 6336½pp

PAYMENT OF INDIVIDUAL'S TAX AT SOURCE

§ 6336½jj. Taxes to be deducted and withheld at source; returns—(a) All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (other than income received as dividends of the class allowed as a credit by subdivision (a) of section 216) shall (except in the cases provided for in subdivision (b) and except as otherwise provided in regulations prescribed by the Commissioner under section 217) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 6 per centum thereof: Provided, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(b) In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods and whether payable to a nonresident, alien individual or to an individual citizen or resident of the United States or to a partnership Provided, That the Commissioner may authorize such tax to be deducted and withheld in the case of interest upon any such bonds, mortgages, deeds of trust, or other obligations, the owners of which are not known to the withholding agent Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the credits provided in subdivisions (c) and (d) of section 216, nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the Commissioner under subdivision (g) of section 217.

(c) Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15 pay the tax to the official of the United States Government authorized to receive it. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section

(d) Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

(e) If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent, nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment. (June 2, 1924, 4 01 p. m., c. 234, § 221, 43 Stat. 277)

This section is § 221 of Title II of the Revenue Act of 1924, cited above
For §§ 216, 217, mentioned in this section, see ante, §§ 6336½h, 6336½hh.

CREDIT FOR TAXES IN CASE OF INDIVIDUALS

§ 6336½k. Credits allowed—(a) The tax computed under Parts I and II of this title shall be credited with·

(1) In the case of a citizen of the United States the amount of any income, war-profits and excess-profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) In the case of a resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) In the case of an alien resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country, and

(4) In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(5) The above credits shall not be allowed in the case of a citizen entitled to the benefits of section 262; and in no other case shall the amount of credit taken under this subdivision exceed the same pro-

portion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits tax any part of which may be allowed to him as a credit by this section), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bears to his entire net income (computed without such deduction) for the same taxable year.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Commissioner, who shall redetermine the amount of the tax due under Parts I and II of this title for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 281. In the case of such a tax accrued but not paid, the Commissioner as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the Commissioner in such sum as the Commissioner may require, conditioned upon the payment by the taxpayer of any amount of tax found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the Commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the Commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credits. (June 2, 1924, 4:01 p. m., c. 234, § 222, 43 Stat. 279.)

This section is § 222 of Title II of the Revenue Act of 1924, cited above.

For §§ 262, 281, mentioned in this section, see post, §§ 6336½x, 6336½zz(8).

INDIVIDUAL RETURNS

§ 6336½kk. Persons required to make returns—(a) The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife; and

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income.

(b) If a husband and wife living together have an aggregate net income for the taxable year of $2,500 or over, or an aggregate gross income for such year of $5,000 or over—

(1) Each shall make such a return, or

(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

(c) If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer. (June 2, 1924, 4:01 p. m., c. 234, § 223, 43 Stat. 280.)

This section is § 223 of Title II of the Revenue Act of 1924, cited above.

PARTNERSHIP RETURNS

§ 6336½*ll*. Contents; verification—Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners. (June 2, 1924, 4:01 p. m., c. 234, § 224, 43 Stat. 280.)

This section is § 224 of Title II of the Revenue Act of 1924, cited above.

FIDUCIARY RETURNS

§ 6336½*ll*. When required; contents; verification—(a) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title—

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income;

(4) Every estate or trust the net income of which for the taxable year is $1,000 or over;

(5) Every estate or trust the gross income of which for the taxable year is $5,000 or over, regardless of the amount of the net income; and

(6) Every estate or trust of which any beneficiary is a nonresident alien.

(b) Under such regulations as the Commissioner with the approval of the Secretary may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the collector of the district where such fiduciary resides shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct. Any fiduciary required to make a return under this Act shall be subject to all the provisions of this Act which apply to individuals. (June 2, 1924, 4:01 p. m., c. 234, § 225, 43 Stat. 280.)

This section is § 225 of Title II of the Revenue Act of 1924, cited above.

RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS

§ 6336½m. Returns on change from fiscal to calendar year, or vice versa; computation of net income—(a) If a taxpayer, with the approval of the Commissioner, changes the basis of computing net

income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year

(b) Where a separate return is so made, and in all other cases where a separate return is required or permitted, by regulations prescribed by the Commissioner with the approval of the Secretary, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made

(c) If a separate return is made under subdivision (a) the net income, computed in accordance with the provisions of subdivision (b), shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

(d) The Commissioner with the approval of the Secretary shall by regulations prescribe the method of applying the provisions of subdivisions (b) and (c) to cases where the taxpayer makes a separate return under subdivision (a) and it appears that for the period for which the return is so made he has derived a capital net gain, or sustained a capital net loss, or received earned income.

(e) In the case of a return made for a fractional part of a year, except a return made under subdivision (a), the credits provided in subdivisions (c), (d), and (e) of section 216 shall be reduced respectively to amounts which bear the same ratio to the full credits provided in such subdivisions as the number of months in the period for which return is made bears to twelve months. (June 2, 1924, 4·01 p. m., c. 234, § 226, 43 Stat. 281.)

This section is § 226 of Title II of the Revenue Act of 1924, cited above.

For § 216, mentioned in this section, see ante, § 6336½h.

TIME AND PLACE FOR FILING INDIVIDUAL, PARTNERSHIP, AND FIDUCIARY RETURNS

§ 6336½mm. Time for making returns; to whom made—(a) Returns (except in the case of nonresident aliens) shall be made on or before the fifteenth day of the third month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of March. In the case of a nonresident alien individual returns shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the 15th day of June. The Commissioner may grant a reasonable extension of time for filing returns, if application therefor is made before the date prescribed by law for filing the return, whenever in his judgment good cause exists, and shall keep a record of every such extension and the reason therefor Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(b) Returns shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in the United States, then to the collector at Baltimore, Maryland. (June 2, 1924, 4·01 p. m., c 234, § 227, 43 Stat 281.)

This section is § 227 of Title II of the Revenue Act of 1924, cited above

PART III.—CORPORATIONS

TAX ON CORPORATIONS

§ 6336½n. Tax on net income; amount—In lieu of the tax imposed by section 230 of the Revenue Act of 1921 there shall be levied, collected, and paid for each taxable year upon the net income of every corporation a tax of 12½ per centum of the amount of the net income in excess of the credits provided in sections 236 and 263 (June 2, 1924, 4·01 p. m., c 234. § 230, 43 Stat 282)

This section is § 230 of Title II of the Revenue Act of 1924, cited above

CONDITIONAL AND OTHER EXEMPTIONS OF CORPORATIONS

§ 6336½nn. Organizations exempted—The following organizations shall be exempt from taxation under this title—

(1) Labor, agricultural, or horticultural organizations;

(2) Mutual savings banks not having a capital stock represented by shares;

(3) Fraternal beneficiary societies, orders, or associations, (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and (b) providing for the payment of life, sick, accident or other benefits to the members of such society, order, or association or their dependents;

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(7) Business leagues, chambers of commerce, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder;

(10) Benevolent life insurance associations of a purely local character, farmers' or other mutual hail, cyclone, casualty, or fire insurance companies, mutual ditch or irrigation companies, mutual or cooperative

telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses;

(11) Farmers', fruit growers', or like associations, organized and operated as sales agents for the purpose of marketing the products of members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them, or organized and operated as purchasing agents for the purpose of purchasing supplies and equipment for the use of members and turning over such supplies and equipment to such members at actual cost, plus necessary expenses,

(12) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title, and

(13) Federal land banks, national farm-loan associations, and Federal intermediate credit banks, as provided in the Federal Farm Loan Act, as amended. (June 2, 1924, 4:01 p m, c 234, § 231, 43 Stat 282.)

This section is § 231 of Title II of the Revenue Act of 1924, cited above

§ 6336½nnn. Exemption of farmers' or other mutual hail, cyclone, etc., insurance companies in Revenue Acts of 1916, 1918, and 1921 regardless of purely local character—The exemption provided in paragraph (10) of subdivision (a) of section 11 of the Revenue Act of 1916, and in subdivision (10) of section 231 of the Revenue Act of 1918, and in subdivision (10) of section 231 of the Revenue Act of 1921, shall be granted to farmers' or other mutual hail, cyclone, or fire insurance companies (if otherwise exempt under such paragraphs), whether or not such organizations were of a purely local character Any taxes assessed against such organizations shall, subject to the statutory period of limitations properly applicable thereto, be abated, credited or refunded. (June 2, 1924, 4 01 p m., c 234, § 1013(b), 43 Stat 343)

This section is § 1013(b) of Title X of the Revenue Act of 1924, cited above

NET INCOME OF CORPORATIONS DEFINED

§ 6336½o. Computation of net income—In the case of a corporation subject to the tax imposed by section 230 the term "net income" means the gross income as defined in section 233 less the deductions allowed by sections 234 and 206, and the net income shall be computed on the same basis as is provided in subdivision (b) of section 212 or in section 226. In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the computation shall also be made in the manner provided in section 217 (June 2, 1924, 4 01 p. m., c. 234, § 232, 43 Stat. 283.)

This section is § 232 of Title II of the Revenue Act of 1924, cited above
For §§ 206, 212, 217, 226, 230, 233, 234, 262, mentioned in this section, see ante, §§ 6336½cc, 6336½f, 6336½hh, 6336½m, 6336½n, and post, §§ 6336½p, 6336½pp, 6336½xx.

GROSS INCOME OF CORPORATIONS DEFINED

§ 6336½p. What constitutes gross income—(a) In the case of a corporation subject to the tax imposed by section 230 the term "gross income" means the gross income as defined in sections 213 and 217, except that mutual marine insurance companies shall include in gross income the gross premiums collected and received by them less amounts paid for reinsurance.

(b) In the case of a foreign corporation, gross income means only gross income from sources within the United States, determined (except in the case of insurance companies subject to the tax imposed by sections 243 or 246) in the manner provided in section 217 (June 2, 1924, 4.01 p. m, c. 234, § 233, 43 Stat 283)

This section is § 233 of Title II of the Revenue Act of 1924, cited above
For §§ 213, 217, 230, 243, 246, mentioned in this section, see ante, §§ 6336½ff, 6336½hh, 6336½n, and post, §§ 6336½t(2), 6336½t(5).

DEDUCTIONS ALLOWED CORPORATIONS

§ 6336½pp. Items allowed—(a) In computing the net income of a corporation subject to the tax imposed by section 230 there shall be allowed as deductions·

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

(2) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title,

(3) Taxes paid or accrued within the taxable year except (A) income, war-profits, and excess-profits taxes imposed by the authority of the United States, (B) so much of the income, war-profits and excess-profits taxes imposed by the authority of any foreign country or possession of the United States as is allowed as a credit under section 238, and (C) taxes assessed against local benefits of a kind tending to increase the value of the property assessed In the case of obligors specified in subdivision (b) of section 221 no deduction for the payment of the tax imposed by this title, or any other tax paid pursuant to the tax-free covenant clause, shall be allowed, nor shall such tax be included in the gross income of the obligee The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a corporation upon his interest as shareholder, which are paid by the corporation without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes For the purpose of this paragraph, estate, inheritance, legacy, and succession taxes accrue on the due date thereof except as otherwise provided by law of the jurisdiction imposing such taxes;

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise No deduction shall be allowed under this paragraph for any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property, and the property so acquired is held by the taxpayer for any period after such sale or other disposition, unless such claim is made by a dealer in stock or securities and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed The basis for determining the amount of the deduction for losses sustained shall be the same as is provided in section 204 for determining the gain or loss from the sale or other disposition of property;

(5) Debts ascertained to be worthless and charged off within the taxable year (or in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt to be charged off in part,

(6) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922, or (B) from any foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217,

(7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence;

(8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and lessee;

(9) In the case of insurance companies (other than life insurance companies), in addition to the above (unless otherwise allowed). (A) The net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee or reserve funds), and (B) the sums other than dividends paid within the taxable year on policy and annuity contracts. This paragraph shall apply only to mutual insurance companies other than life insurance companies;

(10) In the case of mutual marine insurance companies, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9) inclusive, unless otherwise allowed, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment and the payment thereof;

(11) In the case of mutual insurance companies (including interinsurers and reciprocal underwriters, but not including mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in paragraphs (1) to (9), inclusive, unless otherwise allowed, the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses, and reinsurance reserves.

(b) In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the deductions allowed in subdivision (a) shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in section 217 under rules and regulations prescribed by the Commissioner with the approval of the Secretary. (June 2, 1924, 4:01 p m., c 234, § 234, 43 Stat 283)

This section is § 234 of Title II of the Revenue Act of 1924, cited above.

For §§ 204, 217, 221, 230, 238, 262, mentioned in this section, see ante, §§ 6336½bbb, 6336½hh, 6336½jj, 6336½n, and post, §§ 6336½rr, 6336½xx

ITEMS NOT DEDUCTIBLE BY CORPORATIONS

§ 6336½q. Items not allowed—In computing net income no deduction shall in any case be allowed in respect of any of the items specified in section 215 (June 2, 1924, 4 01 p m., c. 234, § 235, 43 Stat. 285)

This section is § 235 of Title II of the Revenue Act of 1924, cited above

For § 215, mentioned in this section, see ante, § 6336½gg

CREDITS ALLOWED CORPORATIONS

§ 6336½qq. Items allowed—For the purpose only of the tax imposed by section 230 there shall be allowed the following credits:

(a) The amount received as interest upon obligations of the United States which is included in gross income under section 233; and

(b) In the case of a domestic corporation the net income of which is $25,000 or less, a specific credit of $2,000, but if the net income is more than $25 000 the tax imposed by section 230 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25.000. (June 2, 1924, 4 01 p m, c. 234, § 236, 43 Stat 285)

This section is § 236 of Title II of the Revenue Act of 1924, cited above.

For §§ 230, 233, mentioned in this section, see ante, §§ 6336½n, 6336½p

PAYMENT OF CORPORATION INCOME TAX AT SOURCE

§ 6336½r. Foreign corporations; deduction and withholding of tax at source—In the case of foreign corporations subject to taxation under this title not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 221 a tax equal to 12½ per centum thereof, and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: Provided, That in the case of interest described in subdivision (b) of that section the deduction and withholding shall be at the rate of 2 per centum. (June 2, 1924, 4:01 p m., c. 234, § 237, 43 Stat 285)

This section is § 237 of Title II of the Revenue Act of 1924, cited above

For § 221, mentioned in this section, see ante, § 6336½jj.

CREDIT FOR TAXES IN CASE OF CORPORATIONS

§ 6336½rr. Credit for other taxes paid—(a) In the case of a domestic corporation the tax imposed by this title shall be credited with the amount of any income, war-profits, and excess-profits taxes paid or accrued during the same taxable year to any foreign country, or to any possession of the United States: Provided, That the amount of such credit shall in no case exceed the same proportion of the tax (computed on the basis of the taxpayer's net income without the deduction of any income, war-profits, or excess-profits taxes imposed by any foreign country or possession of the United States), against which such credit is taken, which the taxpayer's net income (computed without the deduction of any such income, war-profits, or excess-profits tax) from sources without the United States bears to its entire net income (computed without such deduction) for the same taxable year In the case of domestic insurance companies subject to the tax imposed by section 243 or 246, the

term "net income" as used in this subdivision means net income as defined in sections 245 and 246, respectively.

(b) If accrued taxes when paid differ from the amounts claimed as credits by the corporation, or if any tax paid is refunded in whole or in part, the corporation shall at once notify the Commissioner, who shall redetermine the amount of the taxes for the year or years affected, and the amount of taxes due upon such redetermination, if any, shall be paid by the corporation upon notice and demand by the collector, or the amount of taxes overpaid, if any, shall be credited, or refunded to the corporation in accordance with the provisions of section 281. In the case of such a tax accrued but not paid, the Commissioner as a condition precedent to the allowance of this credit may require the corporation to give a bond with sureties satisfactory to and to be approved by him in such sum as he may require, conditioned upon the payment by the taxpayer of any amount of taxes found due upon any such redetermination: and the bond herein prescribed shall contain such further conditions as the Commissioner may require.

(c) The credits provided for in subdivision (a) of this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping its books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subdivision (b) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis.

(d) These credits shall be allowed only if the taxpayer furnishes evidence satisfactory to the Commissioner showing the amount of income derived from sources without the United States, and all other information necessary for the verification and computation of such credit.

(e) For the purposes of this section a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends (not deductible under section 234) in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: Provided, That the credit allowed to any domestic corporation under this subdivision shall in no case exceed the same proportion of the taxes against which it is credited, which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subdivision in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Commissioner with the approval of the Secretary shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subdivision shall be construed to mean such accounting period.

(f) For the purposes of this section a corporation entitled to the benefits of section 262 or 263 shall be treated as a foreign corporation (June 2, 1924, 4:01 p m, c. 234, § 238. 43 Stat. 286)

This section is § 238 of Title II of the Revenue Act of 1924, cited above

For §§ 234, 243, 245, 246, 262 263 281, mentioned in this section, see ante, § 6336½pp, and post, §§ 6336½t(2), 6336½t(4), 6336½t(5), 6336½xx, 6336½y, 6336½zz(8)

CORPORATION RETURNS

§ 6336½s. Form and contents; verification— (a) Every corporation subject to taxation under this title shall make a return, stating specifically the items of its gross income and the deductions and credits allowed by this title. The return shall be sworn to by the president, vice president, or other principal officer and by the treasurer or assistant treasurer. If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return shall be made by the agent. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control

(b) Returns made under this section shall be subject to the provisions of section 226. In the case of a return made for a fractional part of a year, except a return made under subdivision (a) of section 226, the credit provided in subdivision (b) of section 236 shall be reduced to an amount which bears the same ratio to the full credit therein provided as the number of months in the period for which the return is made bears to twelve months.

(c) There shall be included in the return or appended thereto a statement of such facts as will enable the Commissioner to determine the portion of the earnings or profits of the corporation (including gains, profits and income not taxed) accumulated during the taxable year for which the return is made, which have been distributed or ordered to be distributed, respectively, to its shareholders during such year. (June 2, 1924, 4.01 p m., c. 234, § 239, 43 Stat. 287.)

This section is § 239 of Title II of the Revenue Act of 1924, cited above

For §§ 226, 236, mentioned in this section, see ante, §§ 6336½m, 6336½qq.

CONSOLIDATED RETURNS OF CORPORATIONS

§ 6336½ss. Separate or consolidated returns of affiliated corporations; foreign corporations— (a) Corporations which are affiliated within the meaning of this section may, for any taxable year, make separate returns or, under regulations prescribed by the Commissioner with the approval of the Secretary, make a consolidated return of net income for the purpose of this title, in which case the taxes thereunder shall be computed and determined upon the basis of such return. If return is made on either of such bases, all returns thereafter made shall be upon the same basis unless permission to change the basis is granted by the Commissioner.

(b) In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon

among them, or, in the absence of any such agreement, then on the basis of the net income properly assignable to each. There shall be allowed in computing the income tax only one specific credit computed as provided in subdivision (b) of section 236.

(c) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the voting stock of the other or others, or (2) if at least 95 per centum of the voting stock of two or more corporations is owned by the same interests A corporation organized under the China Trade Act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.

(d) In any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not) owned or controlled directly or indirectly by the same interests, the Commissioner may and at the request of the taxpayer shall, if necessary in order to make an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses, consolidate the accounts of such related trades or businesses.

(e) For the purposes of this section a corporation entitled to the benefits of section 262 shall be treated as a foreign corporation. (June 2, 1924, 4:01 p m., c. 234, § 240, 43 Stat 288)

This section is § 240 of Title II of the Revenue Act of 1924, cited above

For §§ 236, 262, mentioned in this section, see ante, § 6336½qq, and post, § 6336½xx.

TIME AND PLACE FOR FILING CORPORATE RETURNS

§ 6336½t. Time for making; to whom made—(a) Returns of corporations shall be made at the same time as is provided in subdivision (a) of section 227, except that in the case of foreign corporations not having any office or place of business in the United States returns shall be made at the same time as provided in section 227 in the case of a nonresident alien individual.

(b) Returns shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland. (June 2, 1924, 4:01 p. m, c. 234, § 241, 43 Stat 288.)

This section is § 241 of Title II of the Revenue Act of 1924, cited above.

For § 227, mentioned in this section, see ante, § 6336½mm

TAXES ON INSURANCE COMPANIES

§ 6336½t(1). Life insurance companies; life insurance company defined—When used in this title the term "life insurance company" means an insurance company engaged in the business of issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 per centum of its total reserve funds (June 2, 1924, 4:01 p m, c. 234, § 242, 43 Stat. 288)

This section is § 242 of Title II of the Revenue Act of 1924, cited above.

§ 6336½t(2). Same; taxes imposed in lieu of other taxes—In lieu of the taxes imposed by sections 230 and 700, there shall be levied, collected, and paid for each taxable year upon the net income of every life insurance company a tax as follows:

(1) In the case of a domestic life insurance company, the same percentage of its net income as is imposed upon other corporations by section 230;

(2) In the case of a foreign life insurance company, the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 230. (June 2, 1924, 4 01 p. m, c 234, § 243, 43 Stat 289.)

This section is § 243 of Title II of the Revenue Act of 1924, cited above

For §§ 230, 700, mentioned in this section, see ante, §§ 6336½n, 5980n

§ 6336½t(3). Same; gross income; reserve fund required by law—(a) In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents

(b) The term "reserve funds required by law" includes, in the case of assessment insurance, sums actually deposited by any company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation of the company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use. (June 2, 1924, 4.01 p. m., c. 234, § 244, 43 Stat. 289)

This section is § 244 of Title II of the Revenue Act of 1924, cited above

§ 6336½t(4). Same; net income; computation; credits; deductions—(a) In the case of a life insurance company the term "net income" means the gross income less—

(1) The amount of interest received during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title,

(2) An amount equal to the excess, if any, over the deduction specified in paragraph (1) of this subdivision, of 4 per centum of the mean of the reserve funds required by law and held at the beginning and end of the taxable year, plus (in case of life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation) 4 per centum of the mean of such reserve funds (not required by law) held at the beginning and end of the taxable year, as the Commissioner finds to be necessary for the protection of the holders of such policies only;

(3) The amount received as dividends (A) from a domestic corporation other than a corporation entitled to the benefits of section 262, and other than a corporation organized under the China Trade Act, 1922 or (B) from any foreign corporation when it is shown to the satisfaction of the Commissioner that more than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the foreign corporation has been in existence) was derived from sources within the United States as determined under section 217;

(4) An amount equal to 2 per centum of any sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract;

(5) Investment expenses paid during the taxable year: Provided, That if any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(6) Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes as-

sessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

(7) A reasonable allowance for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence,

(8) All interest paid or accrued within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title; and

(9) In the case of a domestic life insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000; but if the net income is more than $25,000 the tax imposed by section 243 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000.

(b) No deduction shall be made under paragraphs (6) and (7) of subdivision (a) on account of any real estate owned and occupied in whole or in part by a life insurance company unless there is included in the return of gross income the rental value of the space so occupied. Such rental value shall be not less than a sum which in addition to any rents received from other tenants shall provide a net income (after deducting taxes, depreciation, and all other expenses) at the rate of 4 per centum per annum of the book value at the end of the taxable year of the real estate so owned or occupied

(c) In the case of a foreign life insurance company the amount of its net income for any taxable year from sources within the United States shall be the same proportion of its net income for the taxable year from sources within and without the United States, which the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted. (June 2, 1924, 4.01 p. m., c 234, § 245, 43 Stat. 289.)

This section is § 245 of Title II of the Revenue Act of 1924, cited above.

For §§ 213, 217, 262, mentioned in this section, see ante, §§ 6336½ff, 6336½hh, and post, § 6336½xx.

§ 6336½t(5). Other insurance companies; taxes imposed in lieu of other taxes; gross income; net income; investment income; underwriting income; premiums earned on insurance contracts during taxable year; losses incurred; expenses incurred—(a) In lieu of the taxes imposed by sections 230 and 700, there shall be levied, collected, and paid for each taxable year upon the net income of every insurance company (other than a life or mutual insurance company) a tax as follows:

(1) In the case of such a domestic insurance company the same percentage of its net income as is imposed upon other corporations by section 230;

(2) In the case of such a foreign insurance company the same percentage of its net income from sources within the United States as is imposed upon the net income of other corporations by section 230.

(b) In the case of an insurance company subject to the tax imposed by this section—

(1) The term "gross income" means the combined gross amount, earned during the taxable year, from investment income and from underwriting income as provided in this subdivision, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners;

(2) The term 'net income" means the gross income as defined in paragraph (1) of this subdivision less the deductions allowed by section 247;

(3) The term "investment income" means the gross amount of income earned during the taxable year from interest, dividends and rents, computed as follows:

To all interest, dividends and rents received during the taxable year, add interest, dividends and rents due and accrued at the end of the taxable year, and deduct all interest, dividends and rents due and accrued at the end of the preceding taxable year,

(4) The term "underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred,

(5) The term "premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year;

(6) The term "losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows:

To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year, and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year. To the result so obtained add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year;

(7) The term "expenses incurred" means all expenses shown on the annual statement approved by the National Convention of Insurance Commissioners, and shall be computed as follows:

To all expenses paid during the taxable year add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the net income subject to the tax imposed by this section there shall be deducted from expenses incurred as defined in this paragraph all expenses incurred which are not allowed as deductions by section 247 (June 2, 1924, 4:01 p. m., c 234, § 246, 43 Stat. 290.)

This section is § 246 of Title II of the Revenue Act of 1924, cited above

For §§ 230, 247, 700, mentioned in this section, see ante, §§ 6336½n, 5980n, and post, § 6336½t(6).

§ 6336½t(6). Same; net income; computation; deductions—(a) In computing the net income of an insurance company subject to the tax imposed by section 246 there shall be allowed as deductions:

(1) All ordinary and necessary expenses incurred, as provided in paragraph (1) of subdivision (a) of section 234,

(2) All interest as provided in paragraph (2) of subdivision (a) of section 234;

(3) Taxes as provided in paragraph (3) of subdivision (a) of section 234;

(4) Losses incurred;

(5) Bad debts in the nature of agency balances and bills receivable ascertained to be worthless and charged off within the taxable year;

(6) The amount received as dividends from cor-

porations as provided in paragraph (6) of subdivision (a) of section 234;

(7) The amount of interest earned during the taxable year which under paragraph (4) of subdivision (b) of section 213 is exempt from taxation under this title, and the amount of interest allowed as a credit under section 236,

(8) A reasonable allowance for the exhaustion, wear and tear of property, as provided in paragraph (7) of subdivision (a) of section 234,

(9) In the case of such a domestic insurance company, the net income of which (computed without the benefit of this paragraph) is $25,000 or less, the sum of $2,000, but if the net income is more than $25,000 the tax imposed by section 246 shall not exceed the tax which would be payable if the $2,000 credit were allowed, plus the amount of the net income in excess of $25,000

(b) In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in subdivision (b) of section 234

(c) Nothing in this section or in section 246 shall be construed to permit the same item to be twice deducted (June 2, 1924, 4.01 p. m., c 234, § 247, 43 Stat. 291.)

This section is § 247 of Title II of the Revenue Act of 1924, cited above

For §§ 213, 234, 236, 246, mentioned in this section, see ante, §§ 6336½ff, 6336½pp, 6336½qq, 6336½t(5)

PART IV.—ADMINISTRATIVE PROVISIONS

RETURNS OF PAYMENTS OF DIVIDENDS

§ 6336½tt. When required; contents; verification—Every corporation subject to the tax imposed by this title shall, when required by the Commissioner, render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him. (June 2, 1924, 4:01 p. m., c. 234, § 254, 43 Stat. 292)

This section is § 254 of Title II of the Revenue Act of 1924, cited above.

RETURNS OF BROKERS

§ 6336½u. When required; contents; verification—Every person doing business as a broker shall, when required by the Commissioner, render a correct return duly verified under oath, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, showing the names of customers for whom such person has transacted any business, with such details as to the profits, losses, or other information which the Commissioner may require, as to each of such customers, as will enable the Commissioner to determine whether all income tax due on profits or gains of such customers has been paid. (June 2, 1924, 4:01 p. m., c. 234, § 255, 43 Stat. 292)

This section is § 255 of Title II of the Revenue Act of 1924, cited above.

INFORMATION AT SOURCE

§ 6336½uu. Returns by persons making payments to others; contents—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 254 and 255), of $1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange

When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

The provisions of this section shall not apply to the payment of interest on obligations of the United States (June 2, 1924, 4 01 p m., c 234, § 256, 43 Stat 292.)

This section is § 256 of Title II of the Revenue Act of 1924, cited above

For §§ 254, 255, mentioned in this section, see ante, §§ 6336½tt, 6336½u.

RETURNS TO BE PUBLIC RECORDS

§ 6336½v. Inspection; lists of persons making returns—(a) Returns upon which the tax has been determined by the Commissioner shall constitute public records; but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President Provided, That the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a special Committee of the Senate or House, shall have the right to call on the Secretary of the Treasury for, and it shall be his duty to furnish, any data of any character contained in or shown by the returns or any of them, that may be required by the Committee; and any such Committee shall have the right, acting directly as a Committee, or by and through such examiners or agents as it may designate or appoint, to inspect all or any of the returns at such times and in such manner as it may determine, and any relevant or useful information thus obtained may be submitted by the Committee obtaining it to the Senate or the House, or to both the Senate and House, as the case may be: Provided further, That the proper officers of any state may, upon the request of the Governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of the corporation, at such times and in such manner as the Secretary may prescribe: Provided further, That all bona fide shareholders of record owning 1 per centum or more of the outstanding stock of any corporation shall, upon making request of the Commissioner, be allowed to examine the annual income returns of such corporation and of its subsidiaries. Any shareholder who pursuant to the provisions of this section is allowed to examine the return of any corporation, and who makes known in any manner whatever not provided by law the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed

in any such return, shall be guilty of a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

(b) The Commissioner shall as soon as practicable in each year cause to be prepared and made available to public inspection in such manner as he may determine, in the office of the collector in each internal-revenue district and in such other places as he may determine, lists containing the name and the post-office address of each person making an income-tax return in such district, together with the amount of the income tax paid by such person (June 2, 1924, 4 01 p m , c. 234, § 257, 43 Stat. 293)

This section is § 257 of Title II of the Revenue Act of 1924, cited above

PUBLICATION OF STATISTICS

§ 6336½vv. Statistics of operation of law; contents—The Commissioner, with the approval of the Secretary, shall prepare and publish annually statistics reasonably available with respect to the operation of the income, war-profits and excess-profits tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable (June 2, 1924, 4 01 p. m , c. 234, § 258, 43 Stat 293)

This section is § 258 of Title II of the Revenue Act of 1924, cited above

COLLECTION OF FOREIGN ITEMS

§ 6336½w. Licenses to and regulation of persons collecting foreign payments of interest or dividends; penalty—All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner and shall be subject to such regulations enabling the Government to obtain the information required under this title as the Commissioner, with the approval of the Secretary, shall prescribe; and whoever knowingly undertakes to collect such payments without having obtained a license therefor, or without complying with such regulations, shall be guilty of a misdemeanor and shall be fined not more than $5,000, or imprisoned for not more than one year, or both (June 2, 1924, 4:01 p m., c. 234, § 259, 43 Stat. 293.)

This section is § 259 of Title II of the Revenue Act of 1924, cited above

CITIZENS OF POSSESSIONS OF THE UNITED STATES

§ 6336½ww. Taxation of citizens of United States possessions; Virgin Islands—Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States, shall be subject to taxation under this title only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources.

Nothing in this section shall be construed to alter or amend the provisions of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, relating to the imposition of income taxes in the Virgin Islands of the United States. (June 2, 1924, 4:01 p. m., c. 234, § 260, 43 Stat. 294.)

This section is § 260 of Title II of the Revenue Act of 1924, cited above.

PORTO RICO AND THE PHILIPPINE ISLANDS

§ 6336½x. Levy, assessment, collection, and payment of tax; powers of legislatures—In Porto Rico and the Philippine Islands the income tax shall be levied, assessed collected, and paid as provided by law prior to the enactment of this Act.

The Porto Rican or the Philippine Legislature shall have power by due enactment to amend, alter modify, or repeal the income tax laws in force in Porto Rico or the Philippine Islands, respectively (June 2, 1924, 4:01 p m , c 234, § 261, 43 Stat. 294)

This section is § 261 of Title II of the Revenue Act of 1924, cited above

INCOME FROM SOURCES WITHIN THE POSSESSIONS OF THE UNITED STATES

§ 6336½xx. Gross income of citizens or domestic corporations fulfilling certain requirements—(a) In the case of citizens of the United States or domestic corporations, satisfying the following conditions, gross income means only gross income from sources within the United States—

(1) If 80 per centum or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section), for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) If, in the case of such corporation, 50 per centum or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(3) If, in the case of such citizen, 50 per centum or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another

(b) Notwithstanding the provisions of subdivision (a) there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

(c) As used in this section the term "possession of the United States" does not include the Virgin Islands of the United States. (June 2, 1924, 4 01 p. m., c. 234, § 262, 43 Stat. 294)

This section is § 262 of Title II of the Revenue Act of 1924, cited above.

CHINA TRADE ACT CORPORATIONS

§ 6336½y. Credits allowed corporations organized under China Trade Act, 1922—(a) For the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: Provided, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner (1) the amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in China, the United States, or possessions of the United States, or were individual citizens of the United States or China, and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided

(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

(d) As used in this section the term "China" shall have the same meaning as when used in the China Trade Act, 1922. (June 2, 1924, 4:01 p m, c. 234, § 263, 43 Stat. 295, amended, Feb. 26, 1925, c. 345, § 11, 43 Stat. 996)

This section was amended by act Feb. 26, 1925, c 345, § 11, 43 Stat. 996, cited above, by changing subds. (a) and (b) to read as set forth above

This section is § 263 of Title II of the Revenue Act of 1924, cited above, as amended by Act Feb 26, 1925, c 345, § 11, cited above, by changing subds (a) and (b) to read as set forth above Said subds. (a) and (b), prior to this amendment, read as follows.

"(a) For the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China, resident in China, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date Provided, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section

"(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner—

"(1) The amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China, resident in China, and owned shares of stock of the corporation,

"(2) That such special dividend was in addition to all other amounts, payable or to be payable to such individuals or for their benefit, by reason of their interest in the corporation, and

"(3) That such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals, and that the amount certified has been distributed in accordance with the method so provided."

For §§ 217, 230, mentioned in this section, see ante, §§ 6336½hh, 6336½n.

PART V.—PAYMENT, COLLECTION, AND REFUND OF TAX AND PENALTIES

DATE ON WHICH TAX SHALL BE PAID

§ 6336½yy. (a) Time for payment of tax; payments in full—(a) Except as provided in subdivisions (b), (c), and (d) of this section the total amount of tax imposed by this title shall be paid—

(1) In the case of a taxpayer, other than a nonresident alien individual, and other than a foreign corporation not having an office or place of business in the United States, on or before the fifteenth day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the fifteenth day of the third month following the close of the fiscal year; and

(2) In the case of a nonresident alien individual, and of a foreign corporation not having an office or place of business in the United States, on or before the fifteenth day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on or before the fifteenth day of the sixth month following the close of the fiscal year

(b) Payment in installments—(1) The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on or before the latest date prescribed in subdivision (a) for the payment of the tax by the taxpayer, the second installment shall be paid on or before the fifteenth day of the third month, the third installment on or before the fifteenth day of the sixth month, and the fourth installment on or before the fifteenth day of the ninth month, after such date.

(2) If any installment is not paid on the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector

(c) Extension of time for payment—(1) At the request of the taxpayer, the Commissioner may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, for a period not to exceed six months from the date prescribed in subdivision (a) or (b) for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension

(2) If the time for payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

(d) Taxes payable at source—The provisions of this section shall not apply to the payment of a tax required to be withheld at the source under section 221 or 237. (June 2, 1924, 4 01 p. m., c. 234, § 270, 43 Stat. 295.)

This section is § 270 of Title II of the Revenue Act of 1924, cited above.

For §§ 221, 237, mentioned in this section, see ante, §§ 6336½jj, 6336½r.

EXAMINATION OF RETURN AND DETERMINATION OF TAX

§ 6336½yyy. Examination of return and determination of amount of tax—As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax. (June 2, 1924, 4:01 p. m., c. 234, § 271, 43 Stat. 296.)

This section is § 271 of Title II of the Revenue Act of 1924, cited above

OVERPAYMENTS

§ 6336½z. Credit or refund of overpayments—If the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment, the excess shall be credited against the unpaid installments, if any. If

the amount already paid, whether or not on the basis of installments, exceeds the amount determined to be the correct amount of the tax, the excess shall be credited or refunded as provided in section 281 (June 2, 1924, 4·01 p m, c 234 § 272, 43 Stat. 296)

This section is § 272 of Title II of the Revenue Act of 1924, cited above
For § 281, mentioned in this section, see post, § 6336½zz(8)

DEFICIENCY IN TAX

§ 6336½zz. Deficiency defined—As used in this title the term "deficiency" means—

(1) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the taxpayer upon his return, but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency, but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited refunded or otherwise repaid in respect of such tax (June 2, 1924, 4 01 p. m, c 234, § 273, 43 Stat 296)

This section is § 273 of Title II of the Revenue Act of 1924, cited above

§ 6336½zz(1). (a) Notice to taxpayer of deficiency—If, in the case of any taxpayer, the Commissioner determines that there is a deficiency in respect of the tax imposed by this title, the taxpayer, except as provided in subdivision (d), shall be notified of such deficiency by registered mail, but such deficiency shall be assessed only as hereinafter provided. Within 60 days after such notice is mailed the taxpayer may file an appeal with the Board of Tax Appeals established by section 900

(b) Determination and assessment of deficiency by Board; payment on notice and demand; collection of amount assessed by Commissioner and disallowed by Board—If the Board determines that there is a deficiency, the amount so determined shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the Board shall be assessed, but a proceeding in court may be begun, without assessment, for the collection of any part of the amount so disallowed The court shall include in its judgment interest upon the amount thereof at the rate of 6 per centum per annum from the date prescribed for the payment of the tax to the date of the judgment Such proceeding shall be begun within one year after the final decision of the Board, and may be begun within such year even though the period of limitation prescribed in section 277 has expired

(c) Assessment and payment of deficiency where no appeal to Board—If the taxpayer does not file an appeal with the Board within the time prescribed in subdivision (a) of this section, the deficiency of which the taxpayer has been notified shall be assessed, and shall be paid upon notice and demand from the collector.

(d) Assessment and collection of deficiency where delay would jeopardize same—If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof. In such case the assessment may be made (1) without giving the notice provided in subdivision (a) of this section, or (2) before the expiration of the 60-day period provided in subdivision (a) of this section even though such notice has been given, or (3) at any time prior to the final decision by the Board upon such deficiency even though the taxpayer has filed an appeal If the taxpayer does not file a claim in abatement as provided in section 279 the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector

(e) Prorating deficiency to installments—If the taxpayer has elected to pay the tax in installments and a deficiency has been assessed, the deficiency shall be prorated to the four installments Except as provided in subdivision (d) of this section, that part of the deficiency so prorated to any installment the date for payment of which has not arrived, shall be collected at the same time as and as part of such installment. That part of the deficiency so prorated to any installment the date for payment of which has arrived, shall be paid upon notice and demand from the collector.

(f) Interest on deficiency—Interest upon the amount determined as a deficiency, or, if the tax is paid in installments, upon the part of the deficiency prorated to each installment, shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the date prescribed for the payment of the tax, or the payment of such installment, to the date the deficiency is assessed

(g) Extension of time for payment of deficiency—Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of eighteen months If an extension is granted the Commissioner may require the taxpayer to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period (June 2, 1924, 4.01 p. m., c. 234, § 274, 43 Stat. 297)

This section is § 274 of Title II of the Revenue Act of 1924, cited above
For §§ 277, 279, 900, mentioned in this section, see post, §§ 6336½zz(4), 6336½zz(6), 6371½b.

ADDITIONS TO THE TAX IN CASE OF DEFICIENCY

§ 6336½zz(2). Amount—(a) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud,

5 per centum of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivisions (e) and (f) of section 274 shall not be applicable.

(b) If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3176 of the Revised Statutes, as amended (June 2, 1924, 4 01 p m, c. 234, § 275, 43 Stat. 298.)

This section is § 275 of Title II of the Revenue Act of 1924, cited above.
For § 274, mentioned in this section, see ante, § 6336½zz(1).

ADDITIONS TO THE TAX IN CASE OF DELINQUENCY

§ 6336½zz(3). Amount; claims in abatement—(a) (1) Where the amount determined by the taxpayer as the tax imposed by this title, or any installment thereof, or any part of such amount or installment, is not paid at the time prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under paragraph (2) of subdivision (c) of section 270, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) Where a deficiency, or any interest or additional amounts assessed in connection therewith under subdivision (f) of section 274, or under section 275, or any addition to the tax in case of delinquency provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount of the rate of 1 per centum a month from the date of such notice and demand until it is paid. If any part of a deficiency prorated to any unpaid installment under subdivision (e) of section 274 is not paid in full on the date prescribed for the payment of such installment, there shall be collected as part of the tax interest upon the unpaid amount at the rate of 1 per centum a month from such date until it is paid.

(c) In the case of estates of incompetent, deceased, or insolvent persons, there shall be collected interest at the rate of 6 per centum per annum in lieu of the interest provided in subdivisions (a) and (b) of this section.

(d) If a claim in abatement is filed, as provided in section 279, the provisions of subdivisions (b) and (c) of this section shall not apply to the amount covered by the claim in abatement. (June 2, 1924, 4:01 p. m., c. 234, § 276, 43 Stat. 298.)

This section is § 276 of Title II of the Revenue Act of 1924, cited above
For §§ 270, 274, 279, mentioned in this section, see ante, §§ 6336½yy, 6336½zz(1), and post, § 6336½zz(6).

PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION OF TAX

§ 6336½zz(4). Time for assessment and collection of tax; extension of time—(a) Except as provided in section 278 and in subdivision (b) of section 274 and in subdivision (b) of section 279—

(1) The amount of income, excess-profits, and war-profits taxes imposed by the Revenue Act of 1921, and by such Act as amended, for the taxable year 1921 and succeeding taxable years, and the amount of income taxes imposed by this Act, shall be assessed within four years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period

(2) The amount of income, excess-profits, and war-profits taxes imposed by the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, and by any such Act as amended, shall be assessed within five years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of such period.

(3) In the case of income received during the lifetime of a decedent, the tax shall be assessed, and any proceeding in court for the collection of such tax shall be begun, within one year after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, but not after the expiration of the period prescribed for the assessment of the tax in paragraph (1) or (2) of this subdivision.

(b) The period within which an assessment is required to be made by subdivision (a) of this section in respect of any deficiency shall be extended (1) by 60 days if a notice of such deficiency has been mailed to the taxpayer under subdivision (a) of section 274 and no appeal has been filed with the Board of Tax Appeals, or, (2) if an appeal has been filed, then by the number of days between the date of the mailing of such notice and the date of the final decision by the Board. (June 2, 1924, 4.01 p. m., c. 234, § 277, 43 Stat. 299)

This section is § 277 of Title II of the Revenue Act of 1924, cited above
For §§ 274, 278, 279, mentioned in this section, see ante, § 6336½zz(1), and post, §§ 6336½zz(5), 6336½zz(6)

§ 6336½zz(5). (a) Time for assessment and collection of tax in case of false or fraudulent return—In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(b) Time for assessment and collection of deficiency attributable to tentatively allowed deductions—Any deficiency attributable to a change in a deduction tentatively allowed under paragraph (9) of subdivision (a) of section 214, or paragraph (8) of subdivision (a) of section 234, of the Revenue Act of 1918 or the Revenue Act of 1921, may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(c) Time for assessment of tax assessable after prescribed time by consent—Where both the Commissioner and the taxpayer have consented in writing to the assessment of the tax after the time prescribed in section 277 for its assessment the tax may be assessed at any time prior to the expiration of the period agreed upon.

(d) Collection of tax by distraint or court proceeding; time for; time for beginning without assessment of court proceeding for collection of tax—Where the assessment of the tax is made within the period prescribed in section 277 or in this section, such tax may be collected by distraint or by a proceed-

ing in court, begun within six years after the assessment of the tax. Nothing in this Act shall be construed as preventing the beginning, without assessment, of a proceeding in court for the collection of the tax at any time before the expiration of the period within which an assessment may be made.

(e) Existing limitations—This section shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before the enactment of this Act. (June 2, 1924, 4·01 p. m., c. 234, § 278, 43 Stat. 299)

This section is § 278 of Title II of the Revenue Act of 1924, cited above.
For §§ 234, 277, mentioned in this section, see ante, §§ 6336½pp, 6336½zz(4)

CLAIMS IN ABATEMENT

§ 6336½zz(6). Time for filing; decision on; interest on claims denied—(a) If a deficiency has been assessed under subdivision (d) of section 274, the taxpayer, within 10 days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

(b) If a claim is filed as provided in subdivision (a) of this section the collector shall transmit the claim immediately to the Commissioner who shall by registered mail notify the taxpayer of his decision on the claim. The taxpayer may within 60 days after such notice is mailed file an appeal with the Board of Tax Appeals. If the claim is denied in whole or in part by the Commissioner (or by the Board in case an appeal has been filed) the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated. A proceeding in court may be begun for any part of the amount, claim for which is allowed by the Board. Such proceeding shall be begun within one year after the final decision of the Board, and may be begun within such year even though the period of limitation prescribed in section 277 has expired.

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per centum per annum upon the amount of the claim denied, from the date of notice and demand from the collector under subdivision (d) of section 274 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within 10 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month (or, in the case of estates of incompetent, deceased, or insolvent persons, at the rate of 6 per centum per annum) from the date of such notice and demand until it is paid.

(d) Except as provided in this section, no claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any income war-profits, or excess-profits tax (June 2, 1924, 4.01 p. m., c. 234, § 279, 43 Stat. 300)

This section is § 279 of Title II of the Revenue Act of 1924, cited above
For §§ 274, 277, mentioned in this section, see ante, §§ 6336½zz(1), 6336½zz(4)

TAXES UNDER PRIOR ACTS

§ 6336½zz(7). Assessment and collection—If after the enactment of this Act the Commissioner determines that any assessment should be made in respect of any income, war-profits, or excess-profits tax imposed by the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the amount which should be assessed (whether as deficiency or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand) as in the case of the taxes imposed by this title, except as otherwise provided in section 277. (June 2, 1924, 4·01 p. m., c. 234, § 280, 43 Stat. 301.)

This section is § 280 of Title II of the Revenue Act of 1924, cited above
For § 277, mentioned in this section, see ante, § 6336½zz(4)

CREDITS AND REFUNDS

§ 6336½zz(8). Credit or refund of overpayments; time for—(a) Where there has been an overpayment of any income, war-profits, or excess-profits tax imposed by this Act, the Act entitled "An Act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, the Act entitled "An Act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, the Revenue Act of 1916, the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or any such Act as amended, the amount of such overpayment shall be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance of such excess shall be refunded immediately to the taxpayer.

(b) Except as provided in subdivisions (c) and (e) of this section, (1) no such credit or refund shall be allowed or made after four years from the time the tax was paid, unless before the expiration of such four years a claim therefor is filed by the taxpayer, nor (2) shall the amount of the credit or refund exceed the portion of the tax paid during the four years immediately preceding the filing of the claim or, if no claim was filed, then during the four years immediately preceding the allowance of the credit or refund.

(c) If the invested capital of a taxpayer is decreased by the Commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that there has been an overpayment of income, war-profits, or excess-profits taxes in any previous year or years, then the amount of such overpayment shall be credited or refunded, without the filing of a claim therefor, notwithstanding the period of limitation provided for in subdivision (b) has expired.

(d) Where there has been an overpayment of tax under section 221 or 237 any refund or credit made under the provisions of this section shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

(e) If the taxpayer has, within five years from the

time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either on or before April 1, 1925, or within four years from the time the tax was paid If the taxpayer has, on or before June 15, 1925 filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefore is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year, in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid or (2) on or before April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919

(f) This section shall not (1) bar from allowance a claim for credit or refund filed prior to the enactment of this Act which but for such enactment would have been allowable, or (2) bar from allowance a claim in respect of a tax for the taxable year 1919 or 1920 if such claim is filed before the expiration of five years after the date the return was due. (June 2, 1924, 4.01 p m, c. 234, § 281, 43 Stat. 301, amended, March 8, 1925, c. 435, 43 Stat. 1115.)

This section is § 281 of Title II of the Revenue Act of 1924, cited above, as amended by Act March 3, 1925 c. 435, cited above, by adding the last two sentences to subd. (e), as set forth above

For §§ 221, 237, mentioned in this section, see ante, §§ 6336⅛jj, 6336⅛r.

CLOSING BY COMMISSIONER OF TAXABLE YEAR

§ 6336⅛zz(9). Termination of taxable period; security for return and payment of taxes; penalties—(a) If the Commissioner finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the Commissioner shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the Commissioner, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

(b) A taxpayer who is not in default in making any return or paying income, war-profits, or excess-profits tax under any Act of Congress may furnish to the United States, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, security approved by the Commissioner that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The Commissioner may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section, provided the taxpayer has paid in full all other income, war-profits, or excess-profits taxes due from him under any Act of Congress

(c) If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the Commissioner shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such respective taxes.

(d) In the case of a citizen of the United States about to depart from the United States the Commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(e) No alien shall depart from the United States unless he first procures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws

(f) If a taxpayer violates or attempts to violate this section there shall, in addition to all other penalties, be added as part of the tax 25 per centum of the total amount of the tax or deficiency in the tax, together with interest at the rate of 1 per centum a month from the time the tax became due (June 2, 1924, 4:01 p. m., c. 234, § 282, 43 Stat 302)

This section is § 282 of Title II of the Revenue Act of 1924, cited above

EFFECTIVE DATE OF TITLE

§ 6336⅛zz(10). Time of taking effect of Title—This title shall take effect as of January 1, 1924 (June 2, 1924, 4:01 p. m., c. 234, § 283, 43 Stat. 303.)

This section is § 283 of Title II of the Revenue Act of 1924, cited above.

Chapter Nine B—Munition Manufacturers' Tax

§§ 6336¼a–6336¼m. [Repealed]

These sections, §§ 300-312 of the Revenue Act of 1916, Act Sept. 8, 1916, c. 463, 39 Stat. 780-782, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a.

Chapter Nine C—Excess-Profits Tax

§§ 6336⅜a–6336⅜o. [Repealed.]

These sections, §§ 200-214, of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 302-308, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a See also, post, §§ 6336⅞⅛a–6336⅞⅛n, and notes thereunder.

Chapter Nine CC—War-Profits and Excess-Profits Tax for 1921

This chapter includes Title III of the Revenue Act of 1921 Said Title is entitled "War-Profits and Excess-Profits Tax for 1921"

Sections 300-305, 310-312, 320, 325-328, 330, 331, 335-337, of the Revenue Act of 1918 (Act Feb. 24, 1919, c 18, 40 Stat. 1088-1096), were repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j.

PART I—GENERAL DEFINITIONS

§ 6336⁷/₁₆a. Definitions—When used in this title the terms "taxable year," "fiscal year," "personal service corporation," "paid or accrued," and "dividends" shall have the same meaning as provided for the purposes of income tax in sections 200 and 201. (Nov. 23, 1921, c. 136, § 300, 42 Stat 271)

This section is § 300 of the Revenue Act of 1921, cited above.

PART II.—IMPOSITION OF TAX

§ 6336⁷/₁₆aa. Tax on net incomes of corporations for year 1921—(a) In lieu of the tax imposed by Title III of the Revenue Act of 1918, but in addition to the other taxes imposed by this Act, there shall be levied, collected and paid for the calendar year 1921 upon the net income of every corporation (except corporations taxable under subdivision (b) of this section) a tax equal to the sum of the following:

FIRST BRACKET

20 per centum of the amount of the net income in excess of the excess-profits credit (determined under section 312) and not in excess of 20 per centum of the invested capital,

For § 312, referred to in this paragraph, see post, § 6336⁷/₁₆f.

SECOND BRACKET

40 per centum of the amount of the net income in excess of 20 per centum of the invested capital.

(b) For the calendar year 1921 there shall be levied, collected, and paid upon the net income of every corporation which derives in such year a net income of more than $10,000 from any Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive, a tax equal to the sum of the following

(1) Such a portion of a tax computed at the rates specified in subdivision (a) of section 301 of the Revenue Act of 1918, as the part of the net income attributable to such Government contract or contracts bears to the entire net income. In computing such tax the excess-profits credit and the war-profits credit which would be applicable to such calendar year under the Revenue Act of 1918 if it had been continued in force, shall be used;

(2) Such a portion of a tax computed at the rates specified in subdivision (a) of this section as the part of the net income not attributable to such Government contract or contracts bears to the entire net income

For the purpose of determining the part of the net income attributable to such Government contract or contracts, the proper apportionment and allocation of the deductions with respect to gross income derived from such Government contract or contracts and from other sources, respectively, shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

(c) In any case where the full amount of the excess-profits credit is not allowed under the first bracket of subdivision (a), by reason of the fact that such credit is in excess of 20 per centum of the invested capital, the part not so allowed shall be deducted from the amount in the second bracket. (Nov. 23, 1921, c. 136, § 301, 42 Stat. 272.)

This section is § 301 of the Revenue Act of 1921, cited above

§ 6336⁷/₁₆b. Limitation on amount of tax—The tax imposed by subdivision (a) of section 301 shall in no case be more than 20 per centum of the amount of the net income in excess of $20,000 and not in excess of $20,000, plus 40 per centum of the amount of the net income in excess of $20,000; and the limitations imposed by section 302 of the Revenue Act of 1918 (upon taxes computed under subdivision (c) of section 301 of that Act) are hereby made applicable to taxes computed under subdivision (b) of section 301 of this Act Nothing in this section shall be construed in such manner as to increase the tax imposed by section 301 of this Act (Nov. 23, 1921, c. 136, § 302, 42 Stat 272.)

This section is § 302 of the Revenue Act of 1921, cited above

For § 301, referred to in this section, see ante, § 6336⁷/₁₆aa.

§ 6336⁷/₁₆bb. Part of income derived from business of personal service corporation—If part of the net income of a corporation is derived (1) from a trade or business (or a branch of a trade or business) in which the employment of capital is necessary, and (2) a part (constituting not less than 30 per centum of its total net income) is derived from a separate trade or business (or a distinctly separate branch of the trade or business) which if constituting the sole trade or business would bring it within the class of "personal service corporations," then (under regulations prescribed by the Commissioner with the approval of the Secretary) the tax upon the first part of such net income shall be separately computed (allowing in such computation only the same proportionate part of the credits authorized in section 312), and the tax upon the second part shall be the same percentage thereof as the tax so computed upon the first part is of such first part Provided, That the tax upon such second part shall in no case be less than 20 per centum thereof, unless the tax upon the entire net income, if computed without benefit of this section, would constitute less than 20 per centum of such entire net income, in which event the tax shall be determined upon the entire net income, without reference to this section, as other taxes are determined under this title The total tax computed under this section shall be subject to the limitations provided in section 302. (Nov 23, 1921, c. 136, § 303, 42 Stat 272.)

This section is § 303 of the Revenue Act of 1921, cited above.

For sections 302, 312, referred to in this section, see ante, § 6336⁷/₁₆b, and post, § 6336⁷/₁₆d.

§ 6336⁷/₁₆c. Exemptions—(a) The corporations enumerated in section 231 shall, to the extent that they are exempt from income tax under Title II, be exempt from taxation under this title.

(b) Any corporation whose net income for the taxable year is less than $3,000 shall be exempt from taxation under this title.

(c) In the case of any corporation engaged in the mining of gold, the portion of the net income derived from the mining of gold shall be exempt from the tax imposed by this title or any tax imposed by Title II of the Revenue Act of 1917, and the tax on the remaining portion of the net income shall be the same proportion of a tax computed without the benefit of this subdivision which such remaining portion of the net income bears to the entire net income (Nov 23, 1921, c. 136, § 304, 42 Stat. 273.)

This section is § 304 of the Revenue Act of 1921, cited above

§ 6336⁷/₁₆cc. Proportionate reduction of specific exemption—If a tax is computed under this title for a period of less than twelve months, the specific exemption of $3,000, wherever referred to in this title, shall be reduced to an amount which is the same proportion of $3,000 as the number of months in the period is of twelve months. (Nov. 23, 1921, c. 136, § 305, 42 Stat. 273)

This section is § 305 of the Revenue Act of 1921 cited above

PART III—EXCESS-PROFITS CREDIT

§ 6336⁷/₁₆d **Amount**—The excess-profits credit shall consist of a specific exemption of $3,000 plus an amount equal to 8 per centum of the invested capital for the taxable year

A foreign corporation or a corporation entitled to the benefits of section 262 shall not be entitled to the specific exemption of $3,000. (Nov 23, 1921, c. 136, § 312, 42 Stat 273.)

This section is § 312 of the Revenue Act of 1921, cited above

PART IV—NET INCOME

§ 6336⁷/₁₆e. **Ascertainment and return**—For the purpose of this title the net income of a corporation shall be ascertained and returned for the taxable year upon the same basis and in the same manner as provided for income tax purposes in Title II of this Act (Nov 23, 1921, c. 136, § 320, 42 Stat. 273.)

This section is § 320 of the Revenue Act of 1921, cited above

PART V.—INVESTED CAPITAL

§ 6336⁷/₁₆f. **Definitions**—(a) As used in this title—

The term "intangible property" means patents, copyrights, secret processes and formulæ, good will, trade-marks, trade-brands, franchises, and other like property;

The term "tangible property" means stocks, bonds, notes, and other evidences of indebtedness, bills and accounts receivable, leaseholds, and other property other than intangible property;

The term "borrowed capital" means money or other property borrowed, whether represented by bonds, notes, open accounts, or otherwise,

The term "inadmissible assets" means stocks, bonds, and other obligations (other than obligations of the United States), the dividends or interest from which is not included in computing net income, but where the income derived from such assets consists in part of gain or profit derived from the sale or other disposition thereof, or where all or part of the interest derived from such assets is in effect included in the net income because of the limitation on the deduction of interest under paragraph (2) of subdivision (a) of section 234, a corresponding part of the capital invested in such assets shall not be deemed to be inadmissible assets;

The term "admissible assets" means all assets other than inadmissible assets, valued in accordance with the provisions of subdivision (a) of section 326 and section 331

(b) For the purposes of this title the par value of stock or shares shall, in the case of stock or shares issued at a nominal value or having no par value, be deemed to be the fair market value as of the date or dates of issue of such stock or shares. (Nov. 23, 1921, c. 136, § 325, 42 Stat. 273.)

This section is § 325 of the Revenue Act of 1921, cited above.

For §§ 326, 331, referred to in this section, see post, §§ 6336⁷/₁₆g, 6336⁷/₁₆j

§ 6336⁷/₁₆g. **What constitutes invested capital**—(a) As used in this title the term "invested capital" for any year means (except as provided in subdivision (b) and (c) of this section):

(1) Actual cash bona fide paid in for stock or shares;

(2) Actual cash value of tangible property, other than cash, bona fide paid in for stock or shares, at the time of such payment, but in no case to exceed the par value of the original stock or shares specifically issued therefor, unless the actual cash value of such tangible property at the time paid in is shown to the satisfaction of the Commissioner to have been clearly and substantially in excess of such par value, in which case such excess shall be treated as paid-in surplus: Provided, That the Commissioner shall keep a record of all cases in which tangible property is included in invested capital at a value in excess of the stock or shares issued therefor, containing the name and address of each taxpayer, the business in which engaged, the amount of invested capital and net income shown by the return, the value of the tangible property at the time paid in, the par value of the stock or shares specifically issued therefor, and the amount included under this paragraph as paid-in surplus. The Commissioner shall furnish a copy of such record and other detailed information with respect to such cases when required by resolution of either House of Congress, without regard to the restrictions contained in section 257;

(3) Paid-in or earned surplus and undivided profits, not including surplus and undivided profits earned during the year;

(4) Intangible property bona fide paid in for stock or shares prior to March 3, 1917, in an amount not exceeding (a) the actual cash value of such property at the time paid in, (b) the par value of the stock or shares issued therefor, or (c) in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding on March 3, 1917, whichever is lowest;

(5) Intangible property bona fide paid in for stock or shares on or after March 3, 1917, in an amount not exceeding (a) the actual cash value of such property at the time paid in, (b) the par value of the stock or shares issued therefor, or (c) in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding at the beginning of the taxable year, whichever is lowest. Provided, That in no case shall the total amount included under paragraphs (4) and (5) exceed in the aggregate 25 per centum of the par value of the total stock or shares of the corporation outstanding at the beginning of the taxable year; but

(b) As used in this title the term "invested capital" does not include borrowed capital

(c) There shall be deducted from invested capital as above defined a percentage thereof equal to the percentage which the amount of inadmissible assets is of the amount of admissible and inadmissible assets held during the taxable year.

(d) The invested capital for any period shall be the average invested capital for such period, but in the case of a corporation making a return for a fractional part of a year, it shall be the same fractional part of such average invested capital. (Nov. 23, 1921, c. 136, § 326, 42 Stat. 274.)

This section is § 326 of the Revenue Act of 1921, cited above

§ 6336⁷/₁₆h. **Computation of tax**—In the following cases the tax shall be determined as provided in section 328:

(a) Where the Commissioner is unable to determine the invested capital as provided in section 326;

(b) In the case of a foreign corporation or of a corporation entitled to the benefits of section 262;

(c) Where a mixed aggregate of tangible property and intangible property has been paid in for stock or for stock and bonds and the Commissioner is unable satisfactorily to determine the respective values of the several classes of property at the time of payment, or to distinguish the classes of property paid in for stock and for bonds, respectively;

(d) Where upon application by the corporation the Commissioner finds and so declares of record that the tax if determined without benefit of this section would, owing to abnormal conditions affecting the capital or income of the corporation, work upon the corporation an exceptional hardship evidenced by gross disproportion between the tax computed without benefit of this section and the tax computed by reference to the representative corporations specified in section 328. This subdivision shall not apply to any case (1) in which the tax (computed without benefit of this section) is high merely because the corporation earned within the taxable year a high rate of profit upon a normal invested capital, nor (2) in which 50 per centum or more of the gross income of the corporation for the taxable year (computed under section 233 of Title II) consists of gains, profits, commissions, or other income, derived on a cost-plus basis from a Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive (Nov. 23, 1921, c. 136 § 327, 42 Stat. 275)

This section is § 327 of the Revenue Act of 1921, cited above

§ 6336⁷/₁₆i. Same—(a) In the cases specified in section 327 the tax shall be the amount which bears the same ratio to the net income of the taxpayer (in excess of the specific exemption of $3,000) for the taxable year as the average tax of representative corporations engaged in a like or similar trade or business, bears to their average net income (in excess of the specific exemption of $3,000) for such year. In the case of a foreign corporation or of a corporation entitled to the benefits of section 262 the tax shall be computed without deducting the specific exemption of $3,000 either for the taxpayer or the representative corporations.

In computing the tax under this section the Commissioner shall compare the taxpayer only with representative corporations whose invested capital can be satisfactorily determined under section 326 and which are, as nearly as may be, similarly circumstanced with respect to gross income, net income, profits per unit of business transacted and capital employed, the amount and rate of war profits or excess profits, and all other relevant facts and circumstances.

(b) For the purposes of subdivision (a) the ratios between the average tax and the average net income of representative corporations shall be determined by the Commissioner in accordance with regulations prescribed by him with the approval of the Secretary.

(c) The Commissioner shall keep a record of all cases in which the tax is determined in the manner prescribed in subdivision (a), containing the name and address of each taxpayer, the business in which engaged, the amount of invested capital and net income shown by the return, and the amount of invested capital as determined under such subdivision. The Commissioner shall furnish a copy of such record and other detailed information with respect to such cases when required by resolution of either House of Congress, without regard to the restrictions contained in section 257. (Nov. 23, 1921, c. 136, § 328, 42 Stat. 275.)

This section is § 328 of the Revenue Act of 1921, cited above.

PART VI.—REORGANIZATIONS

§ 6336⁷/₁₆j. Reorganization, consolidation, or change of ownership—In the case of the reorganization, consolidation, or change of ownership of a trade or business, or change of ownership of property, after March 3, 1917, if an interest or control in such trade or business or property of 50 per centum or more remains in the same persons, or any of them, then no asset transferred or received from the previous owner shall, for the purpose of determining invested capital, be allowed a greater value than would have been allowed under this title in computing the invested capital of such previous owner if such asset had not been so transferred or received. Provided, That if such previous owner was not a corporation, then the value of any asset so transferred or received shall be taken at its cost of acquisition (at the date when acquired by such previous owner) with proper allowance for depreciation, impairment, betterment or development, but no addition to the original cost shall be made for any charge or expenditure deducted as expense or otherwise on or after March 1, 1913, in computing the net income of such previous owner for purposes of taxation (Nov. 23, 1921, c. 136, § 331, 42 Stat. 276)

This section is § 331 of the Revenue Act of 1921, cited above

PART VII.—MISCELLANEOUS

§ 6336⁷/₁₆k. Tax on corporations making returns for fiscal year covering parts of current years—(a) If a corporation (other than a personal service corporation) makes return for a fiscal year beginning in 1920 and ending in 1921, the war-profits and excess-profits tax for the taxable year 1921 shall be the sum of: (1) the same proportion of a tax for the entire period computed under the Revenue Act of 1918, which the portion of such period falling within the calendar year 1920 is of the entire period and (2) the same proportion of a tax for the entire period computed under this title, which the portion of such period falling within the calendar year 1921 is of the entire period. Any amount heretofore or hereafter paid on account of the tax imposed for such taxable year by the Revenue Act of 1918 shall be credited towards the payment of the tax as above computed, and if the amount so paid exceeds the amount of such tax, the excess shall be credited or refunded to the corporation in accordance with the provisions of section 252 of this Act.

(b) If a corporation (other than a personal service corporation) makes a return for a fiscal year beginning in 1921 and ending in 1922, the war-profits and excess-profits tax for the portion of the year falling within the calendar year 1921 shall be an amount equivalent to the same proportion of a tax for the entire period computed under this title, which the portion of such period falling within the calendar year 1921 is of the entire period. (Nov 23, 1921, c. 136, § 335, 42 Stat 276.)

This section is § 335 of the Revenue Act of 1921, cited above

§ 6336⁷/₁₆l. Returns; time for making; time for payment of taxes; penalties—Every corporation, not exempt under section 304, shall make a return for the purposes of this title. Such returns shall be made, and the taxes imposed by this title shall be paid, at the same times and places, in the same manner, and subject to the same conditions, as is provided in the case of returns and payment of income tax by corporations for the purposes of Title II, and all the provisions of that title not inapplicable, including penalties, are hereby made applicable to the taxes imposed by this title (Nov 23, 1921, c. 136, § 336, 42 Stat 276.)

This section is § 336 of the Revenue Act of 1921, cited above

For § 304 referred to in this section, see ante, § 6336⁷/₁₆c.

§ 6336⁷/₁₆m. Tax on sales of mines, oil or gas wells—In the case of a bona fide sale of mines, oil or gas wells, or any interest therein, where the principal value of the property has been demonstrated by

prospecting or exploration and discovery work done by the taxpayer, the portion of the tax imposed by this title attributable to such sale shall not exceed 20 per centum of the selling price of such property or interest. (Nov 23, 1921, c 136, § 337, 42 Stat. 277)

This section is § 337 of the Revenue Act of 1921, cited above

EFFECTIVE DATE OF TITLE

§ 6336$^{7}/_{16}$n. **Time of taking effect of title**—This title shall take effect as of January 1, 1921 (Nov. 23, 1921, c. 136, § 338, 42 Stat 277)

This section is § 338 of the Revenue Act of 1921, cited above

Chapter Ten A—Estate Tax

§§ 6336½a-6336½m. [Repealed]

These sections, which included the estate tax provisions of the Revenue Act of 1916, Act Sept 8, 1916, c 463, §§ 200-212, 39 Stat 777-780, and the Revenue Act of 1917, Oct 3, 1917, c 63, §§ 900, 901, 40 Stat 324, 325, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

Sections 400-410 of the Revenue Act of 1918 (Act Feb 24, 1919, c 18, 40 Stat 1096-1101) were repealed by § 1400 of the Revenue Act of 1921, post, § 6371¾j

Sections 400-411(a, b) of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 277-283) were repealed by § 1100 of the Revenue Act of 1924, post, § 6371¾t. See, also, post, Chapter Ten AA

Chapter Ten AA—Estate and Gift Tax

This chapter consists of Title III of the Revenue Act of 1924 Said Title is divided into two parts—"Part I—Estate Tax," and "Part II—Gift Tax" See, also, notes to Chapter Ten A, ante.

PART I.—ESTATE TAX

§ 6336½. **Definitions**—When used in Part I of this title—

The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent;

The term "net estate" means the net estate as determined under the provisions of section 303;

The term "month" means calendar month; and

The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner. (June 2, 1924, 4:01 p. m., c. 234, § 300, 43 Stat. 303.)

This section is § 300 of Title III of the Revenue Act of 1924, cited above

For § 303, mentioned in this section, see post, § 6336½c

§ 6336½a. **Percentage of tax**—(a) In lieu of the tax imposed by Title IV of the Revenue Act of 1921, a tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 303) is hereby imposed upon the transfer of the net estate of every decedent dying after the enactment of this Act, whether a resident or nonresident of the United States:

1 per centum of the amount of the net estate not in excess of $50,000,

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $150,000;

4 per centum of the amount by which the net estate exceeds $150,000 and does not exceed $250,000;

6 per centum of the amount by which the net estate exceeds $250,000 and does not exceed $450,000;

9 per centum of the amount by which the net estate exceeds $450,000 and does not exceed $750,000,

12 per centum of the amount by which the net estate exceeds $750,000 and does not exceed $1,000,000;

15 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000,

18 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000,

21 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $3,000,000;

24 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $4,000,000;

27 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000,

30 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $8,000,000,

35 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $10,000,000;

40 per centum of the amount by which the net estate exceeds $10,000,000.

(b) The tax imposed by this section shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any state or territory or the District of Columbia, in respect of any property included in the gross estate. The credit allowed by this subdivision shall not exceed 25 per centum of the tax imposed by this section. (June 2, 1924, 4:01 p. m., c. 234, § 301, 43 Stat. 303.)

This section is § 301 of Title III of the Revenue Act of 1924, cited above.

For § 303, mentioned in this act, see post, § 6336½c

§ 6336½b. **Value of gross estate**—The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated—

(a) To the extent of the interest therein of the decedent at the time of his death which after his death is subject to the payment of the charges against his estate and the expenses of its administration and is subject to distribution as part of his estate;

(b) To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy,

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for a fair consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such a consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of Part I of this title;

(d) To the extent of any interest therein of which the decedent has at any time made a transfer, or with respect to which he has at any time created a trust, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for a fair consideration in money or money's worth;

(e) To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse,

or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than a fair consideration in money or money's worth: Provided, that where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than a fair consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person. Provided further, that where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants,

(f) To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for a fair consideration in money or money's worth; and

(g) To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life, and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

(h) Subdivisions (b), (c), (d), (e), (f) and (g) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after the enactment of this Act. (June 2, 1924, 4:01 p. m., c. 234, § 302, 43 Stat. 304.)

This section is § 302 of Title III of the Revenue Act of 1924, cited above.

§ 6336½c. Value of net estate; deductions— For the purpose of the tax the value of the net estate shall be determined—

(a) In the case of a resident, by deducting from the value of the gross estate—

(1) Such amounts for funeral expenses, administration expenses, claims against the estate, unpaid mortgages upon, or any indebtedness in respect to, property (except, in the case of a resident decedent, where such property is not situated in the United States), to the extent that such claims, mortgages, or indebtedness were incurred or contracted bona fide and for a fair consideration in money or money's worth, losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated for by insurance or otherwise, and such amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent, as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or any estate, succession, legacy, or inheritance taxes;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate and not deducted under paragraph (1) or (3) of this subdivision;

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 301, or any estate, succession legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes; and

(4) An exemption of $50,000.

(b) In the case of a nonresident, by deducting from the value of that part of his gross estate which at the time of his death is situated in the United States—

(1) That proportion of the deductions specified in paragraph (1) of subdivision (a) of this section which the value of such part bears to the value of his entire gross estate, wherever situated, but in no case shall the amount so deducted exceed 10 per centum of the value of that part of his gross estate which at the time of his death is situated in the United States;

(2) An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from such donor by gift or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior Act of Congress was paid by or on behalf of the donor or the estate of such prior decedent as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated

in the United States and not deducted under paragraph (1) or (3) of this subdivision, and

(3) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for a fair consideration, in money or money's worth, in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, any State, Territory any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals If the tax imposed by section 301, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes.

(c) No deduction shall be allowed in the case of a nonresident unless the executor includes in the return required to be filed under section 304 the value at the time of his death of that part of the gross estate of the nonresident not situated in the United States.

(d) For the purpose of Part I of this title, stock in a domestic corporation owned and held by a nonresident decedent shall be deemed property within the United States, and any property of which the decedent has made a transfer or with respect to which he has created a trust, within the meaning of subdivision (c) or (d) of section 302, shall be deemed to be situated in the United States, if so situated either at the time of the transfer or the creation of the trust, or at the time of the decedent's death.

(e) The amount receivable as insurance upon the life of a nonresident decedent, and any moneys deposited with any person carrying on the banking business, by or for a nonresident decedent who was not engaged in business in the United States at the time of his death, shall not, for the purpose of Part I of this title, be deemed property within the United States

(f) Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service (June 2, 1924, 4:01 p. m., c. 234, § 303, 43 Stat 305)

This section is § 303 of Title III of the Revenue Act of 1924, cited above.
For §§ 301, 302, mentioned in this section, see ante, §§ 6336⅘a, 6336⅘b.

§ 6336⅘d. Notice of appointment of executor; returns by executor; time for filing; contents; verification—(a) The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector The executor shall also, at such times and in such manner as may be required by regulations made pursuant to law, file with the collector a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident, of that part of his gross estate situated in the United States· (2) the deductions allowed under section 303; (3) the value of the net estate of the decedent as defined in section 303, and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax

(b) Return shall be made in all cases where the gross estate at the death of the decedent exceeds $50,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States It the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate. (June 2, 1924, 4 01 p m., c 234, § 304, 43 Stat. 307.)

This section is § 304 of Title III of the Revenue Act of 1924, cited above
For § 303, mentioned in this section, see ante, § 6336⅘c

§ 6336⅘e. Time for payment of tax; to whom payable; extension of time; interest—(a) The tax imposed by Part I of this title shall be due and payable one year after the decedent's death, and shall be paid by the executor to the collector.

(b) Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed five years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(c) If the time for the payment is thus extended there shall be collected, as a part of such amount, interest thereon at the rate of 6 per centum per annum from the expiration of six months after the due date of the tax to the expiration of the period of the extension.

(d) The time for which the Commissioner may extend the time for payment of the estate tax imposed by Title IV of the Revenue Act of 1921 is hereby increased from three years to five years. (June 2, 1924, 4:01 p. m., c. 234, § 305. 43 Stat. 308.)

This section is § 305 of Title III of the Revenue Act of 1924, cited above

§ 6336⅘f. Examination of return and determination of amount of tax—As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax. (June 2, 1924, 4 01 p. m., c. 234, § 306, 43 Stat. 308.)

This section is § 306 of Title III of the Revenue Act of 1924, cited above.

§ 6336⅘g. Deficiency; what constitutes—As used in Part I of this title the term "deficiency" means—

(1) The amount by which the tax imposed by Part I of this title exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the execu-

tor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated refunded, or otherwise repaid in respect of such tax. (June 2, 1924, 4:01 p. m., c. 234, § 307, 43 Stat 308)

This section is § 307 of Title III of the Revenue Act of 1924, cited above

§ 6336½h. (a) Notice of deficiency; appeal by executor to Board—If the Commissioner determines that there is a deficiency in respect of the tax imposed by Part I of this title, the executor, except as provided in subdivision (d), shall be notified of such deficiency by registered mail, but such deficiency shall be assessed only as hereinafter provided. Within 60 days after such notice is mailed the executor may file an appeal with the Board of Tax Appeals established by section 900

(b) Assessment and payment of deficiency determined by Board; collection of deficiency determined by Commissioner but disallowed by Board—If the Board determines that there is a deficiency the amount so determined shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the Board shall be assessed, but a proceeding in court may be begun, without assessment for the collection of any part of the amount so disallowed. The court shall include in its judgment interest upon the amount thereof at the rate of 6 per centum per annum from the date prescribed for the payment of the tax to the date of the judgment Such proceeding shall be begun within one year after the final decision of the Board, and may be begun within such year even though the period of limitation prescribed in section 310 has expired

(c) Assessment and payment of deficiency where no appeal filed with Board—If the executor does not file an appeal with the Board within the time prescribed in subdivision (a) of this section, the deficiency of which the executor has been notified shall be assessed, and shall be paid upon notice and demand from the collector.

(d) Assessment and collection of deficiency where delay would be dangerous; claims in abatement—If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, such deficiency shall be assessed immediately and notice and demand shall be made by the collector for the payment thereof In such case the assessment may be made (1) without giving the notice provided in subdivision (a) of this section, or (2) before the expiration of the 60-day period provided in subdivision (a) of this section even though such notice has been given, or (3) at any time prior to the final decision by the Board upon such deficiency even though the executor has filed an appeal. If the executor does not file a claim in abatement as provided in section 312 the deficiency so assessed (or, if the claim so filed covers only a part of the deficiency, then the amount not covered by the claim) shall be paid upon notice and demand from the collector.

(e) Interest on deficiency—Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed.

(f) Extension of time for payment of deficiency—Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner with the approval of the Secretary (except where the deficiency is due to negligence to intentional disregard of rules and regulations, or to fraud with intent to evade tax) may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of two years If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension In such case there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period

(g) Additional tax for failure to file return—The 50 per centum addition to the tax provided by section 3176 of the Revised Statutes, as amended, shall, when assessed after the enactment of this Act in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of subdivision (e) of this section shall not be applicable. (June 2, 1924, 4:01 p. m., c. 234, § 308, 43 Stat. 308)

This section is § 308 of Title III of the Revenue Act of 1924, cited above
For §§ 310, 312, 900, mentioned in this section, see post, §§ 6336½j, 6336½l, 6371½b

§ 6336½i. Interest on unpaid taxes—(a) (1) Where the amount determined by the executor as the tax imposed by Part I of this title, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the due date until it is paid.

(2) Where an extension of time for payment of the amount so determined as the tax by the executor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under subdivision (c) of section 305, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subdivision, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid

(b) Where a deficiency, or any interest assessed in connection therewith under subdivision (e) of section 308, or any addition to the tax provided for in section 3176 of the Revised Statutes, as amended, is not paid in full within 30 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid

(c) If a claim in abatement is filed, as provided in section 312, the provisions of subdivision (b) of this section shall not apply to the amount covered by the claim in abatement. (June 2, 1924, 4:01 p. m., c. 234, § 309, 43 Stat 309.)

This section is § 309 of Title III of the Revenue Act of 1924, cited above
For §§ 305, 308, 312, mentioned in this section, see ante, §§ 6336½e, 6336½h, and post, § 6336½l.

§ 6336½j. Time for assessment and collection of tax—(a) Except as provided in section 311 and in subdivision (b) of section 308 and in subdivision (b) of section 312, the amount of the estate taxes imposed by Part I of this title shall be assessed within four years after the return was filed, and no proceeding in court for the collection of such taxes shall be begun after the expiration of five years after the return was filed.

(b) The period within which an assessment is required to be made by subdivision (a) of this section in respect of any deficiency shall be extended (1) by 60 days if a notice of such deficiency has been mailed to the executor under subdivision (a) of section 308 and no appeal has been filed with the Board of Tax Appeals, or (2) if an appeal has been filed, then by the number of days between the date of the mailing of such notice and the date of the final decision by the Board. (June 2, 1924, 4 01 p. m., c. 234, § 310, 43 Stat. 310)

This section is § 310 of Title III of the Revenue Act of 1924, cited above
For §§ 308, 311, 312, mentioned in this section, see ante, § 6336½h, and post, §§ 6336½k, 6336½l

§ 6336½k. Time for assessment and collection of tax in case of false or fraudulent return; time for collection of tax by distraint or court proceeding—(a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment, at any time

(b) Where the assessment of the tax is made within the period prescribed in section 310 or in this section, such tax may be collected by distraint or by a proceeding in court, begun within six years after the assessment of the tax. Nothing in this Act shall be construed as preventing the beginning, without assessment of a proceeding in court for the collection of the tax at any time before the expiration of the period within which an assessment may be made

(c) This section shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before the enactment of this Act (June 2, 1924, 4:01 p. m., c. 234, § 311, 43 Stat. 310.)

This section is § 311 of Title III of the Revenue Act of 1924, cited above
For § 310, mentioned in this section, see ante, § 6336½j

§ 6336½l. Claim for abatement of deficiency; determination of; interest—(a) If a deficiency has been assessed under subdivision (d) of section 308, the executor, within 30 days after notice and demand from the collector for the payment thereof, may file with the collector a claim for the abatement of such deficiency, or any part thereof, or of any interest or additional amounts assessed in connection therewith, or of any part of any such interest or additional amounts. Such claim shall be accompanied by a bond, in such amount, not exceeding double the amount of the claim, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount of the claim as is not abated, together with interest thereon as provided in subdivision (c) of this section. Upon the filing of such claim and bond, the collection of so much of the amount assessed as is covered by such claim and bond shall be stayed pending the final disposition of the claim.

(b) If a claim is filed as provided in subdivision (a) of this section the collector shall transmit the claim immediately to the Commissioner who shall by registered mail notify the executor of his decision on the claim. The executor may within 60 days after such notice is mailed file an appeal with the Board of Tax Appeals If the claim is denied in whole or in part by the Commissioner (or by the Board in case an appeal has been filed) the amount, the claim for which is denied, shall be collected as part of the tax upon notice and demand from the collector, and the amount, the claim for which is allowed, shall be abated A proceeding in court may be begun for any part of the amount, claim for which is allowed by the Board. Such proceeding shall be begun within one year after the final decision of the Board, and may be begun within such year even though the period of limitation prescribed in section 310 has expired

(c) If the claim in abatement is denied in whole or in part, there shall be collected, at the same time as the part of the claim denied, and as a part of the tax, interest at the rate of 6 per centum per annum upon the amount of the claim denied, from the date of notice and demand from the collector under subdivision (d) of section 308 to the date of the notice and demand under subdivision (b) of this section. If the amount included in the notice and demand from the collector under subdivision (b) of this section is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid.

(d) Except as provided in this section, no claim in abatement shall be filed in respect of any assessment made after the enactment of this Act in respect of any estate tax. (June 2, 1924, 4.01 p. m., c. 234, § 312, 43 Stat. 310)

This section is § 312 of Title III of the Revenue Act of 1924, cited above
For §§ 308, 310, mentioned in this section, see ante, §§ 6336½h, 6336½j

§ 6336½m. Duplicate tax receipts; discharge of executor from personal liability—(a) The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

(b) If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 310) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

(c) The provisions of subdivision (b) shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs, legatees, devisees, or distributees. (June 2, 1924, 4:01 p. m., c. 234, § 313, 43 Stat. 311.)

This section is § 313 of Title III of the Revenue Act of 1924, cited above.
For § 310, mentioned in this section, see ante, § 6336½j.

§ 6336½n. Collection of tax; sale of property; reimbursement of person paying tax; liability of beneficiaries of life insurance policies—

(a) If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the Commissioner, proceed to collect the tax under the provisions of general law, or commence appropriate proceedings in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order or the court, to be paid under its direction to the person entitled thereto.

(b) If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this title that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution. If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40 000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio. (June 2, 1924, 4:01 p. m., c. 234, § 314, 43 Stat. 311.)

This section is § 314 of Title III of the Revenue Act of 1924, cited above.

§ 6336⅘o. Lien of tax; liability of transferee or trustee of decedent; bona fide purchasers—(a) Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) If (1) the decedent makes a transfer of, or creates a trust with respect to, any property in contemplation of or intended to take effect in possession or enjoyment at or after his death (except in the case of a bona fide sale for a fair consideration in money, or money's worth) or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for a fair consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for a fair consideration in money or money's worth. (June 2, 1924, 4.01 p. m., c. 234, § 315, 43 Stat. 312.)

This section is § 315 of Title III of the Revenue Act of 1924, cited above.

§ 6336⅘p. Assessment and collection of tax under Revenue Acts of 1917, 1918, or 1921—If after the enactment of this Act the Commissioner determines that any assessment should be made in respect of any estate tax imposed by the Revenue Act of 1917, the Revenue Act of 1918, or the Revenue Act of 1921, or by any such Act as amended, the amount which should be assessed (whether as deficiency or additional tax or as interest, penalty, or other addition to the tax) shall be computed as if this Act had not been enacted, but the amount so computed shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including the provisions in case of delinquency in payment after notice and demand) as in the case of the taxes imposed by Part I of this title, except that the period of limitation prescribed in section 1009 shall be applied in lieu of the period prescribed in subdivision (a) of section 310. (June 2, 1924, 4.01 p. m., c. 234, § 316, 43 Stat. 312.)

This section is § 316 of Title III of the Revenue Act of 1924, cited above.
For §§ 310, 1009, mentioned in this section, see ante, § 6336⅘j, and post, § 6371⅘k.

§ 6336⅘q. False statements; penalty; failure to make return or disclose information; penalty—(a) Whoever knowingly makes any false statement in any notice or return required to be filed under Part I of this title shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(b) Whoever fails to comply with any duty imposed upon him by section 304, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under Part I of this title, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States. (June 2, 1924, 4·01 p. m., c. 234, § 317, 43 Stat. 313.)

This section is § 317 of Title III of the Revenue Act of 1924, cited above.

§ 6336⅘r. Estates in China; payment of tax to clerk of United States Court for China—(a) The term "resident" as used in this title includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China. Where no part of the gross estate of such decedent is situated in the United States at the time of his death, the total amount of tax due under Part I of this title shall be paid to or collected by the clerk of such court, but where any part of the gross estate of such decedent is situated in the United States at the time of his death, the tax due under Part I of this title shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

(b) For the purpose of this section the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid

to a collector in the United States. (June 2, 1924, 4 01 p m., c 234, § 318, 43 Stat. 313.)

This section is § 318 of Title III of the Revenue Act of 1924, cited above

PART II.—GIFT TAX

§ 6336½s. Gifts subject to tax; percentage—For the calendar year 1924 and each calendar year thereafter a tax equal to the sum of the following is hereby imposed upon the transfer by a resident by gift during such calendar year of any property wherever situated, whether made directly or indirectly, and upon the transfer by a nonresident by gift during such calendar year of any property situated within the United States, whether made directly or indirectly:

1 per centum of the amount of the taxable gifts not in excess of $50,000;

2 per centum of the amount by which the taxable gifts exceed $50,000 and do not exceed $100,000,

3 per centum of the amount by which the taxable gifts exceed $100,000 and do not exceed $150,000;

4 per centum of the amount by which the taxable gifts exceed $150,000 and do not exceed $250,000,

6 per centum of the amount by which the taxable gifts exceed $250,000 and do not exceed $450,000;

9 per centum of the amount by which the taxable gifts exceed $450,000 and do not exceed $750,000,

12 per centum of the amount by which the taxable gifts exceed $750,000 and do not exceed $1,000,000;

15 per centum of the amount by which the taxable gifts exceed $1,000,000 and do not exceed $1,500,000;

18 per centum of the amount by which the taxable gifts exceed $1,500,000 and do not exceed $2,000,000;

21 per centum of the amount by which the taxable gifts exceed $2,000,000 and do not exceed $3,000,000;

24 per centum of the amount by which the taxable gifts exceed $3,000,000 and do not exceed $4,000,000;

27 per centum of the amount by which the taxable gifts exceed $4,000,000 and do not exceed $5,000,000;

30 per centum of the amount by which the taxable gifts exceed $5,000,000 and do not exceed $8,000,000,

35 per centum of the amount by which the taxable gifts exceed $8,000,000 and do not exceed $10,000,000;

40 per centum of the amount by which the taxable gifts exceed $10 000,000 (June 2, 1924, 4·01 p. m, c. 234, § 319, 43 Stat 313.)

This section is § 319 of Title III of the Revenue Act of 1924, cited above

§ 6336½t. Value of gift—If the gift is made in property, the fair market value thereof at the date of the gift shall be considered the amount of the gift. Where property is sold or exchanged for less than a fair consideration in money or money's worth, then the amount by which the fair market value of the property exceeded the consideration received shall, for the purpose of the tax imposed by section 319, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year. (June 2, 1924, 4:01 p. m., c. 234, § 320, 43 Stat. 314.)

This section is § 320 of Title III of the Revenue Act of 1924, cited above.

§ 6336½u. Exemption and deductions—In computing the amount of the gifts subject to the tax imposed by section 319, there shall be allowed as deductions.

(a) In the case of a resident—

(1) An exemption of $50,000;

(2) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the Vocational Rehabilitation Act,

(3) Gifts the aggregate amount of which to any one person does not exceed $500,

(4) An amount equal to the value of any property transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift, either from another person by gift or from a decedent by gift, bequest, devise, or inheritance, or (B) as having been acquired in exchange for property so received This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included in the total amount of gifts made within the calendar year and not deducted under paragraph (2) or (3) of this subdivision.

(b) In the case of a nonresident—

(1) The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or to a trustee or trustees, or fraternal society, order, or association, operating under the lodge system, but only if such gifts or contributions are to be used within the United States by such trustee or trustees or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year by such corporation, trustee, or fraternal society, order, or association for a religious, charitable, scientific, literary, or educational purpose, or for the prevention of cruelty to children or animals, and the amount of all gifts or contributions made within the calendar year to the special fund for vocational rehabilitation authorized by section 7 of the Vocational Rehabilitation Act;

(2) Gifts the aggregate amount of which to any one person does not exceed $500·

(3) An amount equal to the value of any property situated in the United States transferred by gift within the calendar year, which can be identified (A) as having been received by the donor within five years prior to the time of his making such gift either from another person by gift or from a decedent by gift, be-

quest, devise, or inheritance, or (B) as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax or an estate tax under this or any prior act of Congress was paid by or on behalf of the donor or the estate of such decedent, as the case may be, and only in the amount of the value placed by the Commissioner on such property in determining the value of the gift or the gross estate of such decedent, and only to the extent that the value of such property is included within the total amount of gifts made within the calendar year of property situated in the United States and not deducted under paragraph (1) or (2) of this subdivision (June 2, 1924, 4:01 p m, c. 234, § 321, 43 Stat. 314)

This section is § 321 of Title III of the Revenue Act of 1924, cited above
For § 319, mentioned in this section, see ante, § 6336⅘s

§ 6336⅘v. Credits—In case a tax has been imposed under section 319 upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision of Part I of this title to be included in the gross estate of the decedent then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of section 301, an amount equal to the tax paid, with respect to such gift; and in the event the donor has in any year paid the tax imposed by section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year (June 2, 1924, 4.01 p. m, c. 234, § 322, 43 Stat. 315.)

This section is § 322 of Title III of the Revenue Act of 1924, cited above
For §§ 301, 319, mentioned in this section, see ante, §§ 6336⅘a, 6336⅘s.

§ 6336⅘w. Returns—Any person who within the year 1924 or any calendar year thereafter makes any gift or gifts in excess of the deductions allowed by section 321 shall, on or before the 15th day of March, file with the collector a return under oath in duplicate, listing and setting forth therein all gifts and contributions made by him during such calendar year (other than the gifts specified in paragraph (3) of subdivision (a) and in paragraph (2) of subdivision (b) of section 321), and the fair market value thereof when made, and also all sales and exchanges of property owned by him made within such year for less than a fair consideration in money or money's worth, stating therein the fair market value of the property so sold or exchanged and that of the consideration received by him, both as of the date of such sale or exchange. (June 2, 1924, 4:01 p. m., c. 234, § 323, 43 Stat. 316.)

This section is § 323 of Title III of the Revenue Act of 1924, cited above
For § 321, mentioned in this section, see ante, § 6336⅘u

§ 6336⅘x. Assessment; collection; payment—The tax imposed by section 319 shall be paid by the donor on or before the 15th day of March, and shall be assessed, collected, and paid in the same manner and subject, in so far as applicable, to the same provisions of law as the tax imposed by section 301. (June 2, 1924, 4:01 p. m., c. 234, § 324, 43 Stat. 316.)

This section is § 324 of Title III of the Revenue Act of 1924, cited above
For § 319, mentioned in this section, see ante, § 6336⅘s.

Chapter Ten B—Tax on Employment of Child Labor

Title XII, of the Revenue Act of 1918, Act Feb 24, 1919, c 18, 40 Stat 1138-1149, entitled "Tax on Employment of Child Labor," were repealed by § 1400 of the Revenue Act of 1921 See post, § 6371½j. They were also held unconstitutional in Bailey v. Drexel Furniture Co, 42 Sup Ct R 449 In addition to the repeal above noted said Revenue Act of 1921 (Act Nov 23, 1921, c 136), §§ 1200-1207, 42 Stat 306-308, re-enacted in identical language the provisions of §§ 1200-1207 of the Revenue Act of 1918 which were repealed by § 1100 of the Revenue Act of 1924, post, § 6371½t

Chapter Eleven—Provisions Common to Several Objects of Taxation

§ 6340a. [Repealed]

This section, which was § 1000 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 325, was repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

§ 6340aa. Tax on imports from and into Virgin Islands—There shall be levied, collected, and paid in the United States, upon articles coming into the United States from the Virgin Islands, a tax equal to the internal-revenue tax imposed in the United States upon like articles of domestic manufacture, such articles shipped from such islands to the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of such islands: Provided, That there shall be levied, collected, and paid in such islands, upon articles imported from the United States, a tax equal to the internal-revenue tax imposed in such islands upon like articles there manufactured; and such articles going into such islands from the United States shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States. (Feb 24, 1919, c. 18, § 1304, 40 Stat. 1142.)

This section is § 1304 of the Revenue Act of 1918 (Title XIII—General Administrative Provisions), cited above.

§ 6346. Redemption of spoiled stamps—The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid: Provided, That documentary and proprietary stamps issued under the provisions of "An Act to provide ways and means for war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, may be redeemed only when presented in quantities of two dollars or more, face value: Provided further, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the pur-

chase of such stamps from the Government. (May 12, 1900, c 393, § 1, 31 Stat 177, amended. June 30, 1902, c 1327, 32 Stat. 506, and June 2, 1924, 4.01 p m., c. 234. § 1013 (a), 43 Stat 343.)

This section is § 1013(a) of Title X of the Revenue Act of 1924, cited above, amending Act May 12, 1900, c 393, § 1, as amended.

§§ 6346a-6346c. [Repealed]

These sections, which were § 411 of the Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 793, and §§ 1006, 1008, of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 326, were repealed by § 1400 of the Revenue Act of 1918. See post, § 6371¾a

§§ 6348a, 6348b. [Repealed.]

These sections, which were §§ 1001 1007, of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 325, 326, were repealed by § 1400 of the Revenue Act of 1918 See post. § 6371¾a.

§§ 6349a, 6349b. [Repealed]

These sections, which were §§ 1003, 1005, of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat. 325, 326, were repealed by § 1400 of the Revenue Act of 1918 See post, § 6371¾a

Chapter Eleven A—Increase of Internal Revenue (Revenue Act of 1916)

The Revenue Act of 1916, Act Sept 8, 1916, c 463, 39 Stat 756, entitled "An act to increase the revenue, and for other purposes," was divided into nine Titles, as follows

TITLE I—INCOME TAX

This title (see U S Comp St 1918, §§ 6336a-6336zz) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations provided in subdivision (b) of said section. See post, § 6371¾a

TITLE II—ESTATE TAX

This title (see U. S. Comp St. 1918, §§ 6336½a-6336½m) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations provided in subdivision (b) of said section See post, § 6371¾a.

TITLE III—MUNITION MANUFACTURER'S TAX

This title (see U S Comp. St. 1918, §§ 6336¼a-6336¼m) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations provided in subdivision (b) of said section. See post, § 6371¾a.

TITLE IV—MISCELLANEOUS TAXES

This title (see U. S Comp St 1918, § 6309¾a-6309¾d) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations provided in subdivision (b) of said section. See post, § 6371¾a.

TITLE V—DYESTUFFS

This title (see U S. Comp St 1918, §§ 5291a-5291c) was not affected by the Revenue Act of 1918 See, however, note to §§ 5291a-5291c, ante, in this Supplement

TITLE VI—PRINTING PAPER

This title (see U S Comp St 1918, § 5291, par 322) was not affected by the Revenue Act of 1918 It was, however, repealed by Act Sept 21, 1922, c 356, title III, § 321 (the Tariff Act of 1921), ante, § 5841c-48. See, also, note to § 5291, ante, in this Supplement.

TITLE VII—TARIFF COMMISSION

This title (see U. S. Comp St 1918, §§ 5326a-5326j) was not affected by the Revenue Act of 1918.

TITLE VIII—UNFAIR COMPETITION

This title (see U. S Comp. St. 1918, §§ 8836l-8836r) was not affected by the Revenue Act of 1918.

TITLE IX

This title (see U S Comp St 1918, §§ 6371a, 6371b) was not affected thereto by the Revenue Act of 1918, and a new section was added thereto by § 1403 of said Act See post, § 6371bb.

§ 6371bb. Citation of act—This Act may be cited as the "Revenue Act of 1916" (Sept 8, 1916, c. 463, § 903, added, Feb. 24, 1919, c. 18, § 1403, 40 Stat 1150)

The Revenue Act of 1916 was amended by § 1403 of the Revenue Act of 1918, cited above, by adding thereto § 903, as set forth above

Chapter Eleven B—War Revenue (Revenue Act of 1917)

The Revenue Act of 1917, Act Oct 3, 1917, c. 63, 40 Stat 300, entitled 'An act to provide revenue to defray war expenses, and for other purposes," was divided into thirteen Titles, as follows.

TITLE I—WAR INCOME TAX

This title (§§ 1-5, U. S Comp. St 1918, §§ 6336aa, 6336aaa, 6336iii, 6336jj, 6336vv) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section See post, § 6371¾a.

TITLE II—WAR EXCESS PROFITS TAX

This title (§§ 200-214, U. S. Comp St 1918, §§ 6336¼bb, 6336¾a-6336⅞o) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See, post, § 6371¾a

TITLE III—WAR TAX ON BEVERAGES

This title (§§ 300-315, U S Comp St 1918, §§ 5986a-5986d, 6017a, 6024a, 6026a, 6028a, 6028b, 6110c-6110e, 6111a, 6161½a-6161½c, 8739b) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See post, § 6371¾a.

TITLE IV—WAR TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF

This title (§§ 400-404, U S Comp St 1918, §§ 6169a, 6174a-6174c, 6202a, 6204a, 6204b) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See post, § 6371¾a.

TITLE V—WAR TAX ON FACILITIES FURNISHED BY PUBLIC UTILITIES AND INSURANCE

This title (§§ 500-505, U. S. Comp. St 1918, §§ 6309¼a-6309¼d, 6309¼a, 6309¼b) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See post, § 6371¾a.

TITLE VI—WAR EXCISE TAXES

This title (§§ 600-603, U S. Comp. St. 1918, §§ 6309¾a-6309¾d) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section See post, § 6371¾a

TITLE VII—WAR TAX ON ADMISSIONS AND DUES

This title (§§ 700-702, U. S Comp. St 1918, §§ 6309½a-6309½c) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See, post, § 6371¾a.

TITLE VIII—WAR STAMP TAXES

This title (§§ 800-807, U. S Comp St. 1918, §§ 6315a-6315h) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section See post, § 6371¼a

TITLE IX—WAR ESTATE TAX

This title (§§ 900, 901 U S Comp St 1918, §§ 6336½bbb, 6336½bbbb) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section See post, § 6371¾a

TITLE X—ADMINISTRATIVE PROCEEDINGS

This title (§§ 1000-1010, U S Comp St 1918, §§ 5896a, 5896b, 6336oo, 6336qq, 6340a, 6346b, 6346c, 6348a, 6348b, 6349a, 6349b) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See post, § 6371¾a.

TITLE XI—POSTAL RATES

Of this title (§§ 1100-1110, U S Comp St. 1918, §§ 7226a, 7231aa, 7354a, 7354b, 7358a-7358d, 7360a, 7361a, 7385a, 10387e) §§ 1100, 1107, were repealed by § 1401 of the Revenue Act of 1918, post, § 7354aa, and § 1110 was superseded by Act June 5, 1920, c 254, post, § 7217 The other sections of the title were not affected by the Revenue Act of 1918

TITLE XII—INCOME TAX AMENDMENTS

This title (§§ 1200-1212, consisting of amendments of the Revenue Act of 1916, U. S Comp St. 1918, §§ 6336b, 6336d, 6336e, 6336f-6336u, 6336j, 6336l, 6336m, 6336q, 6336tx-6336zz) was repealed by subdivision (a) of § 1400 of the Revenue Act of 1918, subject to the limitations prescribed in subdivision (b) of said section. See post, § 6371¾a.

TITLE XIII—GENERAL PROVISIONS

This title (§§ 1300-1302, U. S Comp. St 1918, §§ 6371¼a, 6371½b) was not affected by the Revenue Act of 1918, and a new section was added thereto by § 1404 of said Act. See post, § 6371½bb.

§ 6371½bb. Citation of act—This Act may be cited as the "Revenue Act of 1917." (Oct 3, 1917, c 63, § 1303, added, Feb. 24, 1919, c. 18, § 1404, 40 Stat 1150)

The Revenue Act of 1917 was amended by § 1404 of the Revenue Act of 1918, cited above, by adding thereto § 1303, as set forth above.

Chapter Eleven C—Revenue Act of 1918

The Revenue Act of 1918, Act Feb 24, 1919, c. 18, 40 Stat. 1057, entitled "An act to provide revenue, and for other purposes," was divided into fourteen titles, as follows:

TITLE I—GENERAL DEFINITIONS

§ 6371¼a. Definitions—When used in this Act—

The term "person" includes partnerships and corporations, as well as individuals.

The term "corporation" includes associations, joint-stock companies, and insurance companies;

The term "domestic" when applied to a corporation or partnership means created or organized in the United States;

The term "foreign" when applied to a corporation or partnership means created or organized outside the United States;

The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia;

The term "Secretary" means the Secretary of the Treasury;

The term "Commissioner" means the Commissioner of Internal Revenue;

The term "collector" means collector of internal revenue,

The term 'Revenue Act of 1916" means the Act entitled "An Act to increase the revenue, and for other purposes," approved September 8, 1916:

The term 'Revenue Act of 1917" means the Act entitled 'An Act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917,

The term "taxpayer" includes any person, trust or estate subject to a tax imposed by this Act;

The term "Government contract" means (a) a contract made with the United States, or with any department, bureau, officer, commission, board, or agency, under the United States and acting in its behalf, or with any agency controlled by any of the above if the contract is for the benefit of the United States, or (b) a subcontract made with a contractor performing such a contract if the products or services to be furnished under the subcontract are for the benefit of the United States. The term "Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive" when applied to a contract of the kind referred to in clause (a) of this paragraph, includes all such contracts which, although entered into during such period, were originally not enforceable, but which have been or may become enforceable by reason of subsequent validation in pursuance of law;

The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female, but this shall not be deemed to exclude other units otherwise included within such term,

The term "present war" means the war in which the United States is now engaged against the German Government.

For the purposes of this Act the date of the termination of the present war shall be fixed by proclamation of the President (Feb 24, 1919, c. 18, § 1, 40 Stat. 1057.)

This section is § 1 of the Revenue Act of 1918, cited above

For corresponding provisions in § 2 of the Revenue Act of 1921, see post, § 6371¾a.

TITLE II—INCOME TAX

This title (§§ 200-261) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1921, subject to the exceptions and limitations contained in paragraph (b) of said section See post, § 6371¾j.

TITLE III—WAR-PROFITS AND EXCESS-PROFITS TAX

This title (§§ 300-337) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1921, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371¾j

TITLE IV—ESTATE TAX

This title (§§ 400-410) was repealed by § 1400(a) of the Revenue Act of 1921, as of November 23, 1921, at 3·55 p m, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371¾j.

TITLE V—TAX ON TRANSPORTATION AND OTHER FACILITIES, AND ON INSURANCE

This title (§§ 500-504) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371¾j.

TITLE VI—TAX ON BEVERAGES

Of this title (§§ 600-620) §§ 628, 629, and 630 were repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section See post, § 6371½j For the unrepealed sections of this title (as amended and re-enacted), see ante, as follows § 600 as §§ 5986e-5986i, § 601 as § 8739bb, § 602 as §§ 6024a, 6028a, 6028b, 6089a, § 603 as § 6137a, § 604 as § 5986j, § 605 as § 5956k, § 606 as § 5986l, § 607 as § 6017a, § 608 as § 6144bb, § 609 as 6151a § 610 as § 6110f, § 611 as § 6110g, § 612 as § 6110h, § 613 as § 6114h, § 614 as § 6114i, § 615 as § 6111aa, § 616 as § 6114j, § 617 as §§ 6111, 6112, 6114, § 618 as §§ 6114ff, 6114g, § 619 as § 6114k, § 620 as § 6114l, § 621 as § 6114m, § 622 as § 6114n, § 623 as § 6002, § 624 as § 6127a, § 625 as § 5990, § 626 as § 6070a, § 627 as § 6161

TITLE VII—TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF

Of this title (§§ 700-704) §§ 700, 701(a) 702, 703 were repealed by § 1400(a) of the Revenue Act of 1921 (post, § 6371½j), as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said § 1400 Sections 701(b) and 704 of this title were also repealed by said § 1400 of the Revenue Act of 1921, and were re-enacted without change by §§ 701 and 704 of the Revenue Act of 1921 See ante, §§ 6168, 6169

TITLE VIII—TAX ON ADMISSIONS AND DUES

This title (§§ 800-802) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371½j

TITLE IX—EXCISE TAXES

This title (§§ 900-907) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371½j.

TITLE X—SPECIAL TAXES

This title (§§ 1000-1009) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section. See post, § 6371½j

TITLE XI—STAMP TAXES

This title (§§ 1100-1107) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1922, subject to the exceptions and limitations contained in paragraph (b) of said section See post, § 6371½j.

TITLE XII—TAX ON EMPLOYMENT OF CHILD LABOR

This title (§§ 1200-1207) was repealed by § 1400(a) of the Revenue Act of 1921, as of January 1, 1921, subject to the exceptions and limitations contained in paragraph (b) of said section See post, § 6371½j. It was also declared unconstitutional.

TITLE XIII—GENERAL ADMINISTRATIVE PROVISIONS

Of this title (§§ 1300-1320) §§ 1314, 1315, 1316, 1317, 1319, and 1320 were repealed by § 1400(a) of the Revenue Act of 1921, as of November 23, 1921, at 3 55 p m, subject to the exceptions and limitations contained in paragraph (b) of said section See post, § 6371½j. Section 1315 was re-enacted without change by the Revenue Act of 1921 (ante, § 6097), section 1316, paragraph (a), was re-enacted without change by the Revenue Act of 1921 (Ante, § 5944); section 1316, paragraph (b) was repealed by § 1400 of the Revenue Act of 1921 (see note to § 5948, ante), section 1317 was re-enacted without change by the Revenue Act of 1921 (ante, §§ 5884, 5885, 5887, 5895, 5896, 5899). The other sections of this title of the Revenue Act of 1918 are contained in this supplement as follows· Section 1300, ante, § 490a; section 1301, ante, §§ 493a, 5851a, and post, §§ 6371½a, 6371½b, section 1302, ante, § 5877aa, section 1303, ante, § 106a, § 1304, ante, § 6340aa, section 1305, post, §§ 6371½c-6371½e, sections 1306-1312, post, §§ 6371½f-6371½n, section 1318, post, § 6371½o

§ 6371½a. Appropriation for assessing and collecting internal revenue taxes under Act—(c) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of $7,500,000 for the expenses of assessing and collecting the internal-revenue taxes as provided in this Act, including the employment of necessary officers, attorneys, experts, agents, inspectors, deputy collectors, clerks, janitors, and messengers, in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental and repair of quarters, postage, and the purchase of such supplies, equipment, furniture, mechanical devices, printing, stationery, law books and books of reference, not to exceed $500 for street car fares in the District of Columbia, and such other articles as may be necessary for use in the District of Columbia and the several collection districts. Provided, That not more than $2,750,000 of the total amount appropriated by this section may be expended in the Bureau of Internal Revenue, in the District of Columbia. (Feb. 24, 1919, c. 18, § 1301(c), 40 Stat. 1140)

This section is paragraph (c) of § 1301 of Title XIII of the Revenue Act of 1918, cited above.

§ 6371½b. Advisory Tax Board; appointment; salaries; powers and duties—(d) (1) There is hereby created a board to be known as the "Advisory Tax Board," hereinafter called the Board, and to be composed of not to exceed six members to be appointed by the Commissioner with the approval of the Secretary. The Board shall cease to exist at the expiration of two years after the passage of this Act, or at such earlier time as the Commissioner with the approval of the Secretary may designate

Vacancies in the membership of the Board shall be filled in the same manner as an original appointment. Any member shall be subject to removal by the Commissioner with the approval of the Secretary. The Commissioner with the approval of the Secretary shall designate the chairman of the Board. Each member shall receive an annual salary of $9,000, payable monthly, together with actual necessary expenses when absent from the District of Columbia on official business.

(2) The Commissioner may, and on the request of any taxpayer directly interested shall, submit to the Board any question relating to the interpretation or administration of the income, war-profits or excess-profits tax laws, and the Board shall report its findings and recommendations to the Commissioner.

(3) The Board shall have its office in the Bureau of Internal Revenue in the District of Columbia. The expenses and salaries of members of the Board shall be audited, allowed, and paid out of appropriations for collecting internal revenue, in the same manner as expenses and salaries of employees of the Bureau of Internal Revenue are audited, allowed, and paid.

(4) The Board shall have the power to summon witnesses, take testimony, administer oaths, and to require any person to produce books, papers, documents, or other data relating to any matter under investigation by the Board. Any member of the Board may sign subpœnas and members and employees of the Bureau of Internal Revenue designated to assist the Board, when authorized by the Board, may administer oaths, examine witnesses, take testimony and receive evidence. (Feb. 24, 1919, c. 18, § 1301(d), 40 Stat. 1141.)

This section is paragraph (d) of § 1301 of Title XIII of the Revenue Act of 1918, cited above

This section is doubtless now inoperative because of the expiration of the period set upon the life of the Board.

For the provisions § 1327 of the Revenue Act of 1921, creating the Tax Simplification Board, see post, § 6371½g.

§ 6371½c. Laws made part of act; records, statements, and returns; regulations—All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act, and every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records and render under oath, such statements and returns, and shall comply with such regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe. (Feb. 24, 1919, c. 18, § 1305, 40 Stat. 1142.)

This section is a part of § 1305 of Title XIII of the Revenue Act of 1918, cited above
For corresponding provisions in § 1300 of the Revenue Act of 1921, see post, § 6371½b.

§ 6371½d. Returns on notice from Commissioner—Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return or such statements as he deems sufficient to show whether or not such person is liable to tax. (Feb 24, 1919, c. 18, § 1305, 40 Stat. 1142)

This section is a part of § 1305 of Title XIII of the Revenue Act of 1918, cited above.

§ 6371½e. Examination of books, papers, and records by Commissioner; taking testimony—The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons. (Feb. 24, 1919, c 18, § 1305, 40 Stat. 1142)

This section is a part of § 1305 of Title XIII of the Revenue Act of 1918, cited above.

§ 6371½f. Floor taxes; returns; time for payment; extension of time—Where floor taxes are imposed by this Act in respect to articles or commodities, in respect to which the tax imposed by existing law has been paid, the person required by this Act to pay the tax shall, within thirty days after its passage, make return under oath in such form and under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe. Payment of the tax shown to be due may be extended to a date not exceeding seven months from the passage of this Act, upon the filing of a bond for payment in such form and amount and with such sureties as the Commissioner, with the approval of the Secretary, may prescribe. (Feb. 24, 1919, c. 18, § 1306, 40 Stat. 1142)

This section is § 1306 of Title XIII of the Revenue Act of 1918, cited above.

§ 6371½g. Mode of collection of taxes not specifically provided for; stamp taxes—In all cases where the method of collecting the tax imposed by this Act is not specifically provided in this Act, the tax shall be collected in such manner as the Commissioner, with the approval of the Secretary, may prescribe. All administrative and penalty provisions of Title XI of this Act, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be paid by stamp. (Feb. 24, 1919, c. 18, § 1307, 40 Stat. 1143.)

This section is § 1307 of Title XIII of the Revenue Act of 1918, cited above.
For corresponding provisions in § 1301 of the Revenue Act of 1921 see post, § 6371½bb.

§ 6371½h. Failure to pay, collect, account for and pay over tax or to make return or supply information—(a) Any person required under Titles V, VI, VII, VIII, IX, X, or XII, to pay, or to collect, account for and pay over any tax, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation, assessment or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000.

(b) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected· Provided, however, That no penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes, as amended, or of section 605 or 620 of this Act, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes.

(d) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs. (Feb 24, 1919, c. 18, § 1308, 40 Stat 1143.)

This section is § 1308 of Title XIII of the Revenue Act of 1918, cited above
R S. § 3176, as amended, referred to in this section, is set forth ante § 5899
For R. S. § 3256, also referred to in this section, see U S Comp. St. 1918, § 5992.
For corresponding provisions in § 1302 of the Revenue Act of 1921 see post, § 6371½c.

§ 6371½i. Rules and regulations for enforcement of Act—The Commissioner, with the approval of the Secretary, is hereby authorized to make all needful rules and regulations for the enforcement of the provisions of this Act. (Feb. 24, 1919, c. 18, § 1309, 40 Stat. 1143.)

This section is a part of § 1309 of Title XIII of the Revenue Act of 1918, cited above.
For corresponding provision in § 1303 of the Revenue Act of 1921 see post, § 6371½cc

§ 6371½j. Attestation to certain returns—The Commissioner with such approval may by regulation provide that any return required by Titles V, VI, VII, VIII, IX, or X to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath. (Feb. 24, 1919, c. 18, § 1309, 40 Stat. 1143.)

This section is a part of § 1309 of Title XIII of the Revenue Act of 1918, cited above
For corresponding provisions in § 1303 of the Revenue Act of 1921 see post, § 6371½cc.

§ 6371½k. (a) Credit of overpayments or overcollections—(a) In the case of any overpayment or overcollection of any tax imposed by section 628 or 630 or by Title V, Title VII, or Title IX, the person making such overpayment or overcollection may take credit therefor against taxes due upon any

monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

For corresponding provision in § 1304 of the Revenue Act of 1921 see post, § 6371½d.

(b) Payment of taxes on sales on credit—Wherever in this Act a tax is required to be paid by the purchaser to the vendor at the time of a sale, and such sale is made on credit, then, under regulations prescribed by the Commissioner, with the approval of the Secretary, the tax may, at the option of the vendor, be returned and paid by him to the United States as if paid to him by the purchaser at the time of the sale, and in such case the vendor shall have a right of action in any court of competent jurisdiction against the purchaser for the amount of the tax so returned and paid to the United States.

(c) Taxes on articles sold or leased for export; refunds—Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Titles VI, VII or IX shall not apply in respect to articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect to exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded. (Feb 24, 1919, c 18, § 1310, 40 Stat. 1143.)

This section is § 1310 of Title XIII of the Revenue Act of 1918, cited above

For corresponding provisions in § 1305 of the Revenue Act of 1921, see post, § 6371½dd

§ 6371½l. Use of existing stamps—Where the rate of tax imposed by this Act, payable by stamps, is an increase over previously existing rates, stamps on hand in the collectors' offices and in the Bureau of Internal Revenue may continue to be used until the supply on hand is exhausted, but shall be sold and accounted for at the rates provided by this Act, and assessment shall be made against manufacturers and other taxpayers having such stamps on hand on the day this Act takes effect for the difference between the amount paid for such stamps and the tax due at the rates provided by this Act. (Feb. 24, 1919, c. 18, § 1311, 40 Stat. 1144.)

This section is § 1311 of Title XIII of the Revenue Act of 1918, cited above

§ 6371½m. (1) Payment of taxes by vendee or lessee in certain cases—(a) If any person has prior to May 9, 1917, made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed under Title VI, VII, or IX, or under subdivision 13 of Schedule A of Title XI, or under this subdivision, and (b) if such contract does not permit the adding of the whole of such tax to the amount to be paid under such contract, then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of such tax as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, the tax collected under this Act shall be the tax in force on May 9, 1917

(2) Same—If (a) any person has prior to September 3, 1918, made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed under Title VI, VII, or IX, or under subdivision 13 of Schedule A of Title XI, or under this subdivision, and in respect to which no corresponding tax was imposed by the Revenue Act of 1917, and (b) such contract does not permit the adding, to the amount to be paid under such contract, of the whole of the tax imposed by this Act, then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of the tax imposed by this Act as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, no tax shall be collected under this Act.

(3) Same—If (a) any person has prior to September 3, 1918 made a bona fide contract with a dealer for the sale or lease, after the tax takes effect, of any article in respect to which a tax is imposed under Title VI, VII, or IX, or under subdivision 13 of Schedule A of Title XI, or under this subdivision, and in respect to which a corresponding tax was imposed by the Revenue Act of 1917, and (b) such contract does not permit the adding, to the amount to be paid under such contract, of the whole of the difference between such tax and the corresponding tax imposed by the Revenue Act of 1917, then the vendee or lessee shall, in lieu of the vendor or lessor, pay so much of such difference as is not so permitted to be added to the contract price. If a contract of the character above described was made with any person other than a dealer, the tax collected under this Act shall be the tax in force on September 3, 1918.

(4) Same; to whom paid—The taxes payable by the vendee or lessee under this section shall be paid to the vendor or lessor at the time the sale or lease is consummated, and collected, returned, and paid to the United States by such vendor or lessor in the same manner as provided in section 502.

(5) Same; "dealer" defined—The term "dealer" as used in this section includes a vendee who purchases any article with intent to use it in the manufacture or production of another article intended for sale.

(6) Same; exception—This section shall not apply to any tax imposed by section 906. (Feb. 24, 1919, c. 18, § 1312, 40 Stat. 1144.)

This section is § 1312 of Title XIII of the Revenue Act of 1918, cited above.

For corresponding provisions in § 906 of the Revenue Act of 1921, see ante, § 6309¾e.

§ 6371½n. Fractional part of cent disregarded—In the payment of any tax under this Act not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. (Feb. 24, 1919, c. 18, § 1313, 40 Stat. 1145.)

This section is § 1313 of Title XIII of the Revenue Act of 1918, cited above

For corresponding provision in § 1305 of the Revenue Act of 1921, see post, § 6371½e.

§ 6371½o. Jurisdiction of district courts; compelling attendance of witness or production of books; issue of writs—If any person is summoned under this Act to appear, to testify, or to produce books, papers or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such

courts or otherwise to enforce such provisions (Feb 24, 1919, c 18, § 1318, 40 Stat. 1148.)

This section is § 1318 of Title XIII of the Revenue Act of 1918, cited above

For corresponding provisions in § 1310 of the Revenue Act of 1921, see post, § 6371½f

TITLE XIV—GENERAL PROVISIONS

Of this title, of the Revenue Act of 1918, § 1400 is § 6371¼a, § 1401 is § 7654aa, § 1402 is § 6371¾b, § 1403 is § 6371¾b, § 1404 is § 6371¾bb, § 1405 is § 6371¾c, § 1406 is § 2165aa, § 1407 is § 1035Tee, § 1408 is § 6371¾cc, and § 1409 is § 6371¾d

§ 6371¼a. (a) Acts and parts of acts repealed—(a) The following parts of Acts are hereby repealed, subject to the limitations provided in subdivision (b)

(1) The following titles of the Revenue Act of 1916:

Title I (called "Income Tax");

Title II (called "Estate Tax");

Title III (called "Munitions Manufacturers' Tax"), as amended;

Title IV (called "Miscellaneous Taxes").

(2) The following parts of the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," approved March 3, 1917:

Title III (called "Estate Tax");

Section 402 (called "Returns of Dividends").

(3) The following titles of the Revenue Act of 1917.

Title I (called "War Income Tax");

Title II (called "War Excess-Profits Tax");

Title III (called "War Tax on Beverages");

Title IV (called "War Tax on Cigars, Tobacco, and Manufactures Thereof");

Title V (called "War Tax on Facilities Furnished by Public Utilities, and Insurance").

Title VI (called "War Excise Taxes");

Title VII (called "War Tax on Admissions and Dues");

Title VIII (called "War Stamp Taxes");

Title IX (called "War Estate Tax");

Title X (called "Administrative Provisions");

Title XII (called "Income-Tax Amendments").

(b) Repealed acts in force for assessment and collection of taxes and imposition and collection of penalties; assessment and collection of taxes under Titles I and II of Revenue Act of 1916 and Titles I, II, and IX of Revenue Act of 1917; lien of taxes imposed by repealed acts; Title I of Revenue Act of 1916, as amended in force in Porto Rico and Philippines—Such parts of Acts shall remain in force for the assessment and collection of all taxes which have accrued thereunder, and for the imposition and collection of all penalties or forfeitures which have accrued and may accrue in relation to any such taxes, and except that the unexpended balance of any appropriation heretofore made and now available for the administration of any such part of an Act shall be available for the administration of this Act or the corresponding provision thereof: Provided, That, except as otherwise provided in this Act, no taxes shall be collected under Title I of the Revenue Act of 1916 as amended by the Revenue Act of 1917, or Title I or II of the Revenue Act of 1917, in respect to any period after December 31, 1917: Provided further, That the assessment and collection of all estate taxes, and the imposition and collection of all penalties or forfeitures, which have accrued under Title II of the Revenue Act of 1916 as amended by the Act entitled "An Act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes," approved March 3, 1917, or Title IX of the Revenue Act of 1917, shall be according to the provisions of Title IV of this Act In the case of any tax imposed by any part of an Act herein repealed, if there is a tax imposed by this Act in lieu thereof, the provision imposing such tax shall remain in force until the corresponding tax under this Act takes effect under the provisions of this Act.

Title I of the Revenue Act of 1916 as amended by the Revenue Act of 1917 shall remain in force for the assessment and collection of the income tax in Porto Rico and the Philippine Islands, except as may be otherwise provided by their respective legislatures. (Feb 24, 1919, c 18, § 1400, 40 Stat. 1149.)

This section is § 1400 of the Revenue Act of 1918, cited above.

The provisions of Act March 3, 1917, § 6159, repealed by this section, are § 300, which amended § 201 of the Revenue Act of 1916, § 301, and § 402, which amended § 26 of the Revenue Act of 1916 (see U S Comp. St. 1918, §§ 6336½b, 6336½bb, 6336xx)

For the repeal provisions of the Revenue Act of 1921, see post, § 6371½j

§ 6371¾b. Effect of partial invalidity of act—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered. (Feb. 24, 1919, c. 18, § 1402, 40 Stat. 1150)

This section is § 1402 of the Revenue Act of 1918, cited above.

For corresponding provision in § 1403 of the Revenue Act of 1921, see post, § 6371½k.

§ 6371¾c. Citation of act—This Act may be cited as the "Revenue Act of 1918" (Feb 24, 1919, c 18, § 1405, 40 Stat. 1151.)

This act is § 1405 of the Revenue Act of 1918, cited above

For corresponding provision in § 1 of the Revenue Act of 1921 see post, § 6371½.

§ 6371¾cc. Filing copies of contracts with United States; access by Commissioner of Internal Revenue to data relative to contracts—Every person who on or after April 6, 1917, has entered into any contract, undertaking, or agreement, with the United States, or with any department, bureau, officer, commission, board, or agency under the United States or acting in its behalf, or with any other person having contract relations with the United States, for the performance of any work or the supplying of any materials or property for the use of or for the account of the United States, shall, within thirty days after a request of the Commission therefor, file with the Commissioner a true and correct copy of every such contract, undertaking, or agreement.

Whoever fails to comply with such request of the Commissioner shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both.

The Commissioner shall (when not violative of the technical military or naval secrets of the Government) have access to all information and data relating to any such contract, undertaking, or agreement, in the possession, control or custody of any department, bureau, board, agency, officer or commission of the United States, and may call upon any such department, bureau, board, agency, officer or commission for a full statement and description of any allowance for amortization, obsolescence, depreciation or loss, or of any valuation, appraisal, adjustment or final settlement, made in pursuance of any such contract, undertaking or agreement. (Feb. 24, 1919, c. 18, § 1408, 40 Stat. 1151.)

This section is § 1408 of the Revenue Act of 1918, cited above.

§ 6371¾d. Time of taking effect of act—Unless otherwise herein specially provided, this Act shall take effect on the day following its passage (Feb. 24, 1919, c. 18, § 1409, 40 Stat. 1152.)

This section is § 1409 of the Revenue Act of 1918, cited above

For corresponding provisions in § 1404 of the Revenue Act of 1921, see post, § 6371⅝l.

Chapter Eleven CC—Revenue Act of 1921

The Revenue Act of 1921, act Nov 23, 1921, c 136, 42 Stat 227, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," is divided into fourteen titles as follows —

TITLE I—GENERAL DEFINITIONS

§ 6371⅝. Citation of act—This Act may be cited as the "Revenue Act of 1921" (Nov. 23, 1921, c. 136, § 1, 42 Stat. 227.)

This section is § 1 of Title I of the Revenue Act of 1921, cited above

For corresponding provision in § 1 of the Revenue Act of 1924, see post, § 6371⅝

§ 6371⅝a. Definitions—When used in this Act—

(1) The term "person" includes partnerships and corporations, as well as individuals,

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies;

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States;

(4) The term "foreign" when applied to a corporation or partnership means created or organized outside the United States;

(5) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia;

(6) The term "Secretary" means the Secretary of the Treasury;

(7) The term "Commissioner" means the Commissioner of Internal Revenue;

(8) The term "collector" means collector of internal revenue;

(9) The term "taxpayer" includes any person, trust or estate subject to a tax imposed by this Act;

(10) The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female, but this shall not be deemed to exclude other units otherwise included within such terms; and

(11) The term "Government contract" means (a) a contract made with the United States, or with any department, bureau, officer, commission, board, or agency, under the United States and acting in its behalf, or with any agency controlled by any of the above if the contract is for the benefit of the United States, or (b) a subcontract made with a contractor performing such a contract if the products or services to be furnished under the subcontract are for the benefit of the United States. The term "Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive" when applied to a contract of the kind referred to in clause (a) of this subdivision, includes all such contracts which, although entered into during such period, were originally not enforceable, but which have been or may become enforceable by reason of subsequent validation in pursuance of law.

(12) A corporation organized under the China Trade Act, 1922, shall, for the purposes of this Act, be considered a domestic corporation (Nov 23, 1921 c. 136, § 2, 42 Stat 227, amended, Sept 19, 1922, c. 346, § 25, 42 Stat. 856)

This section is § 2 of Title I of the Revenue Act of 1921, cited above It was amended by Act Sept 19, 1922, c 346, § 25, cited above, by adding thereto a new paragraph numbered (12) as set forth above.

For corresponding provisions in § 2 of the Revenue Act of 1924, see post, § 6371⅝a

TITLE II—INCOME TAX

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924 See ante, notes to Chapter Nine AA.

TITLE III—WAR-PROFITS AND EXCESS-PROFITS TAX FOR 1921

This Title is set forth, ante, as Chapter Nine CC—War Profits and Excess-Profits Tax for 1921, §§ 6336⅞a-6336⅞cn

TITLE IV—ESTATE TAX

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924 See ante, note to §§ 6336½a-6336½m.

TITLE V—TAX ON TELEGRAPH AND TELEPHONE MESSAGES

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924, except subd (d) of § 500 See ante, § 6309½a, and notes to §§ 6309½b-6309½c.

TITLE VI—TAX ON BEVERAGES AND CONSTITUENT PARTS THEREOF

Of this Title, § 600 amends § 600 of the Revenue Act of 1918, ante, § 5986e, § 601 amends § 605 of the Revenue Act of 1918, ante, § 5986k; and §§ 602, 603 are repealed by § 1100 of the Revenue Act of 1924 See ante, notes to §§ 6161½a-6161½c

TITLE VII—TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924. See ante, notes to §§ 6158, 6169, 6174d, 6204c, 6204d.

TITLE VIII—TAX ON ADMISSIONS AND DUES

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924 See ante, note to § 6309½d

TITLE IX—EXCISE TAXES

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924, except § 906 thereof See ante, § 6309¾e, and note thereunder

TITLE X—SPECIAL TAXES

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924 See ante, notes to §§ 5980n, 6287g, 6287l, 6287r.

TITLE XI—STAMP TAXES

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924. See ante, note to § 6313i

TITLE XII—TAX ON EMPLOYMENT OF CHILD LABOR

This Title of the Revenue Act of 1921 is repealed by § 1100 of the Revenue Act of 1924 See ante, note to Chapter Ten B

TITLE XIII—GENERAL ADMINISTRATIVE PROVISIONS

Of this Title §§ 1300-1306 are set forth below, as §§ 6371½b-6371½e, §§ 1307, 1308, 1309, are repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t, § 1310 (a) and (b) is set forth below, as § 6371½f, § 1310(c) is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (See, also, note to § 991(20a), ante); § 1311 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, notes to §§ 5884 5885, 5887, 5895 5896, 5899, ante), §§ 1312, 1313, 1314 are repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t; §§ 1315, 1316, are repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, notes to §§ 5944, 5951, 5951a, ante), § 1317 repeals par 17 of R S. § 3689, and substitutes another provision therefor (see post, § 6799a), § 1318 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 5949, ante); § 1319 repeals R S. 3227 (ante, § 3950), § 1320 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t, § 1321 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, notes to §§ 1711, 1711a, ante), § 1322 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t, § 1323 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 5948, ante), § 1324 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 1168, ante), §§ 1325, 1326, are repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t, § 1327 is set forth below as § 6371½g, § 1328 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 6852/3¼, post); § 1329 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 3301a, ante), § 1330 is repealed by § 1100 of the Revenue Act of 1924, post, § 6371⅝t (see, also, note to § 6097, ante), and §§ 1331, 1332, are set forth below, as §§ 6371½h, 6371½i

LAWS MADE APPLICABLE

§ 6371½h. Laws made part of act; records, statements, and returns; regulations—All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act, and every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records and render, under oath, such statements and returns, and shall comply with such regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe. (Nov. 23, 1921, c. 136, § 1300, 42 Stat. 308.)

This section is § 1300 of Title XIII of the Revenue Act of 1921, cited above.

For corresponding provisions in § 1305 of the Revenue Act of 1918, see ante, § 6371½c.

METHOD OF COLLECTING TAX

§ 6371½bb. Other methods of collecting taxes; administrative and penalty provisions of Title XI applicable to all taxes, when—Whether or not the method of collecting any tax imposed by Titles V, VI, VII, VIII, IX, or X of this Act is specifically provided therein, any such tax may, under regulations prescribed by the Commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of Title XI, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner. (Nov. 23, 1921, c. 136, § 1301, 42 Stat. 308.)

This section is § 1301 of the Title XIII of the Revenue Act of 1921, cited above.

For corresponding provisions in § 1307 of the Revenue Act of 1918, see ante, § 6371½g.

PENALTIES

§ 6371½c. Failure to pay, collect, account for and pay over tax, or to make returns or supply information, penalties—(a) Any person required under Titles V VI, VII, VIII, IX, X, or XII, to pay, or to collect, account for and pay over any tax, or required by law or regulations made under authority thereof to make a return or supply any information for the purposes of the computation assessment, or collection of any such tax, who fails to pay, collect, or truly account for and pay over any such tax, make any such return or supply any such information at the time or times required by law or regulation shall in addition to other penalties provided by law be subject to a penalty of not more than $1,000

(b) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax, make such return or supply such information at the time or times required by law or regulation, or who willfully attempts in any manner to evade such tax, shall be guilty of a misdemeanor and in addition to other penalties provided by law shall be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution

(c) Any person who willfully refuses to pay, collect, or truly account for and pay over any such tax shall in addition to other penalties provided by law be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected: Provided, however. That no penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes, as amended, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes

(d) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs. (Nov. 23, 1921, c 136, § 1302, 42 Stat. 309)

This section is § 1302 of Title XIII of the Revenue Act of 1921, cited above

For corresponding provisions in § 1308 of the Revenue Act of 1918, see ante, § 6371½h

RULES AND REGULATIONS

§ 6371½cc. Rules and regulations for enforcement of act; acknowledgment to certain returns—The Commissioner, with the approval of the Secretary, is hereby authorized to make all needful rules and regulations for the enforcement of the provisions of this Act.

The Commissioner, with such approval may by regulation provide that any return required by Titles V, VI, VII, VIII, IX, or X to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath (Nov. 23, 1921, c. 136, § 1303. 42 Stat. 309)

This section is § 1303 of Title XIII of the Revenue Act of 1921, cited above.

For corresponding provisions in § 1309 of the Revenue Act of 1918, see ante, §§ 6371½i, 6371½j

OVERPAYMENTS AND OVERCOLLECTIONS

§ 6371½d. Credit of overpayments or overcollections—In the case of any overpayment or overcollection of any tax imposed by section 602 or by Title V, Title VIII, or Title IX, the person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return,

and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto. (Nov 23. 1921. c 136, § 1304, 42 Stat. 309)

This section is § 1304 of Title XIII of the Revenue Act of 1921, cited above
For corresponding provision in § 1310 of the Revenue Act of 1918, see ante, § 6371½k(a).

ARTICLES EXPORTED

§ 6371⅘dd. Taxes on articles sold or leased for export—Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Titles VI, VII or IX shall not apply in respect to articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect to exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded. (Nov. 23, 1921, c. 136, § 1305, 42 Stat 310.)

This section is § 1305 of Title XIII of the Revenue Act of 1921, cited above
For corresponding provisions in § 1310 of the Revenue Act of 1918, see ante, § 6371½k(c)

FRACTIONAL PARTS OF A CENT

§ 6371⅘e. Fractional part of cent disregarded—In the payment of any tax under this Act not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. (Nov. 23, 1921, c. 136, § 1306, 42 Stat. 310)

This section is § 1306 of Title XIII of the Revenue Act of 1921, cited above
For corresponding provision in § 1313 of the Revenue Act of 1918, see ante, § 6371½n.

JURISDICTION OF COURTS

§ 6371⅘f. Jurisdiction of district courts; compelling attendance of witness or production of books or papers; issue of writs—(a) If any person is summoned under this Act to appear, to testify, or to produce books, papers or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

(b) The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions. (Nov. 23, 1921, c. 136, § 1310(a, b), 42 Stat. 310.)

This section is a part of § 1310 of Title XIII of the Revenue Act of 1921, cited above.
For corresponding provisions in § 1025 of the Revenue Act of 1924, see § 6371⅘r.
The remainder of said § 1310 amends Jud Code, § 24, ante, § 991(20a)

TAX SIMPLIFICATION BOARD

§ 6371⅘g. Board established; members; appointment; vacancies; compensation; clerical assistance, quarters, etc.; duties; report; expenditures—(a) There is hereby established in the Department of the Treasury a board to be known as the "Tax Simplification Board" (hereinafter in this section called the "Board"), to be composed as follows:

(1) Three members who shall represent the public, to be appointed by the President; and

(2) Three members who shall represent the Bureau of Internal Revenue and shall be officers or employees of the United States serving in such Bureau to be appointed by the Secretary.

(b) Any vacancy in the Board shall be filled in the same manner as the original appointment. The members representing the public shall serve without compensation except reimbursement for traveling, subsistence, and other necessary expenses incurred in the performance of the duties vested in them by this section The members representing the Bureau of Internal Revenue shall serve without compensation in addition to that received for their service in such Bureau.

(c) The Secretary shall furnish the Board with such clerical assistance, quarters and stationery, furniture, office equipment, and other supplies as may be necessary for the performance of the duties vested in them by this section.

(d) It shall be the duty of the Board to investigate the procedure of and the forms used by the Bureau in the administration of the internal revenue laws, and to make recommendations in respect to the simplification thereof. The Board shall make a report to the Congress on or before the first Monday of December in each year.

(e) The expenditures of the Board shall be paid upon vouchers approved by the Board and signed by the chairman thereof. For the expenditures of the Board for the fiscal year ending June 30, 1922, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000

(f) The Board shall cease to exist on December 31, 1924 (Nov. 23, 1921, c. 136, § 1327, 42 Stat 317.)

This section is § 1327 of Title XIII of the Revenue Act of 1921, cited above
For the provisions of § 1301 of the Revenue Act of 1918 creating an Advisory Tax Board, see ante, § 6371½b
For current appropriation for the Tax Simplification Board, see Act Jan. 3, 1923, c 22, 42 Stat 1097.

CONSOLIDATED RETURNS FOR YEAR 1917

§ 6371⅘h. Consolidated returns of net income and invested capital of affiliated domestic corporations and partnerships—(a) Title II of the Revenue Act of 1917 shall be construed to impose the taxes therein mentioned upon the basis of consolidated returns of net income and invested capital in the case of domestic corporations and domestic partnerships that were affiliated during the calendar year 1917

(b) For the purpose of this section a corporation or partnership was affiliated with one or more corporations or partnerships (1) when such corporation or partnership owned directly or controlled through closely affiliated interests or by a nominee or nominees all or substantially all the stock of the other or others, or (2) when substantially all the stock of two or more corporations or the business of two or more partnerships was owned by the same interests: Provided, That such corporations or partnerships were engaged in the same or a closely related business, or one corporation or partnership bought from or sold to another corporation or partnership products or services at prices above or below the current market, thus effecting an artificial distribution of profits, or one corporation or partnership in any way so arranged its financial relationships with another corporation or partnership as to assign to it a disproportionate

share or net income or invested capital For the purposes of this section public service corporations which (1) were operated independently, (2) were not physically connected or merged and (3) did not receive special permission to make a consolidated return, shall not be construed to have been affiliated, but a railroad or other public utility which was owned by an industrial corporation and was operated as a plant facility or as an integral part of a group organization of affiliated corporations which were required to file a consolidated return, shall be construed to have been affiliated

(e) The provisions of this section are declaratory of the provisions of Title II of the Revenue Act of 1917 (Nov. 23, 1921, c. 136, § 1331, 42 Stat. 319)

This section is § 1331 of Title XIII of the Revenue Act of 1921, cited above

ALTERNATIVE TAX ON PERSONAL SERVICE CORPORATIONS

§ 6371½i. Tax on personal service corporations where sections of Revenue Act of 1918 and of this Act imposing taxes declared invalid; returns; claims for credit or refund of taxes paid; assessment and collection of tax—(a) If either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act is by final adjudication declared invalid, there shall, in addition to all other taxes, be levied, collected, and paid on the net income (as defined in section 232) received during the calendar years 1918, 1919, 1920, and 1921, by every personal service corporation (as defined in section 200) included within the provisions of such subdivisions, a tax equal to the taxes imposed by Titles II and III of the Revenue Act of 1918 and, in the case of income received during the calendar year 1921, by Titles II and III of this Act.

(b) In such event every such personal service corporation shall, on or before the fifteenth day of the sixth month following the date of entry of decree upon such final adjudication, make a return of any income received during each of the calendar years 1918 1919, 1920, and 1921 in the manner prescribed by the Revenue Act of 1918 (or in the manner prescribed by this Act, in the case of income received during the calendar year 1921). Such return shall be made and the net income shall be computed on the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in the manner provided for other corporations under the Revenue Act of 1918 and this Act

(c) If either subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act is so declared invalid, claims for credit or refund of taxes paid under both such sections shall be allowed, if made within the time provided in subdivision (f) of this section.

(d) In case the claims for credit or refund, filed within six months from such date of entry of decree, represent less than 30 per centum of the outstanding stock or shares in the corporation, the amount of taxes imposed by this section upon such corporation shall be reduced to that proportion thereof which the number of stock or shares owned by the shareholders or members making such claims bears to the total number of stock or shares outstanding.

(e) The tax imposed by this section shall be assessed, collected, and paid upon the same basis, in the same manner, and subject to the same provisions of law, including penalties, as the taxes imposed by sections 230 and 301 of the Revenue Act of 1918 (or by sections 230 and 301 of this Act, in the case of income received during the calendar year 1921), but no interest or penalties shall be due or payable thereon for any period prior to the date upon which the return is by this section required to be made and the first installment paid The amount of tax paid by any shareholder or member of a personal service corporation pursuant to the provisions of subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act shall be credited against the tax due from such corporation under this section upon the joint written application of such corporation and such shareholder or member or his representatives, heirs, or assigns, if such application is filed with the Commissioner within six months from such date of entry of decree

(f) Notwithstanding any other provision of law, no claim for a credit or refund of taxes paid under subdivision (e) of section 218 of the Revenue Act of 1918 or subdivision (d) of section 218 of this Act, may be filed after the expiration of six months from such date of entry of decree: Provided, however, That a personal service corporation of which no shareholder or member has filed such claim within such period of six months shall not be subject to the tax imposed by this section. (Nov. 23, 1921, c. 136, § 1332, 42 Stat. 319.)

This section is § 1332 of Title XIII of the Revenue Act of 1921 cited above

TITLE XIV—GENERAL PROVISIONS

Of this Title, § 1400 is set forth below, as § 6371½j; § 1401 amends Act March 3, 1919, c 100, § 1, post, § 6829III(a), § 1402 amends Act Sept 24, 1917, c. 56, § 6, as amended, post, § 6829J, and §§ 1403, 1404 are set forth below, as §§ 6371½k, 6371½l

REPEALS

§ 6371½j. (a) Acts and parts of acts repealed—The following parts of the Revenue Act of 1918 are repealed, to take effect (except as otherwise provided in this Act) on January 1, 1922, subject to the limitations provided in subdivision (b):

Title II (called "Income Tax") as of January 1, 1921,

Title III (called "War-Profits and Excess-Profits Tax") as of January 1, 1921;

Title IV (called "Estate Tax") on the passage of this Act,

Title V (called "Tax on Transportation and Other Facilities, and on Insurance");

Sections 628, 629, and 630 of Title VI (being the taxes on soft drinks, ice cream, and similar articles);

Title VII (called "Tax on Cigars, Tobacco and Manufactures Thereof");

Title VIII (called "Tax on Admissions and Dues");

Title IX (called "Excise Taxes");

Title X (called "Special Taxes");

Title XI (called "Stamp Taxes");

Title XII (called "Tax on Employment of Child Labor") as of January 1, 1921; and

Sections 1314, 1315, 1316, 1317, 1319, and 1320 of Title XIII (being certain administrative provisions) on the passage of this Act

(b) Repealed acts in force for assessment and collection of taxes and for imposition and collection of penalties under Revenue Act of 1918, unexpended balances of appropriations previously made—The parts of the Revenue Act of 1918 which are repealed by this Act shall (unless otherwise specifically provided in this Act) remain in force for the assessment and collection of all taxes which have accrued under the Revenue Act of 1918 at the time such parts cease to be in effect, and for the imposition and collection of all penalties or forfeitures which have accrued or may accrue in relation to any such taxes. In the case of any tax imposed by any part of the Revenue Act of 1918 repealed by this Act, if there is a tax imposed by this Act in lieu thereof.

the provision imposing such tax shall remain in force until the corresponding tax under this Act takes effect under the provisions of this Act The unexpended balance of any appropriation heretofore made and now available for the administration of any such part of the Revenue Act of 1918 shall be available for the administration of this Act or the corresponding provision thereof (Nov. 23, 1921, c. 136, § 1400, 42 Stat 320)

This section is § 1400 of Title XIV of the Revenue Act of 1921, cited above
For the repeal provisions of the Revenue Act of 1924, see post, § 6371⅝t

SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

§ 6371⅝k. Effect of partial invalidity of act—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. (Nov. 23, 1921, c. 136, § 1403, 42 Stat 321.)

This section is § 1403 of Title XIV of the Revenue Act of 1921, cited above
For corresponding provision in § 1103 of the Revenue Act of 1924, see post, § 6371⅝u.

EFFECTIVE DATE OF ACT

§ 6371⅝l. Time of taking effect of act—Except as otherwise provided, this Act shall take effect upon its passage. (Nov. 23, 1921, c. 136, § 1404. 42 Stat 321.)

This section is § 1404 of Title XIV of the Revenue Act of 1921. cited above
For corresponding provision in § 1104 of the Revenue Act of 1924, see post, § 6371⅝v
This act was approved by the President November 23, 1921, at 3 55 p. m

Chapter Eleven CCC—Revenue Act of 1924

The Revenue Act of 1924, Act June 2, 1924, 4 01 p. m., c. 234, 43 Stat., entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," is divided into twelve titles The subject matter of these titles has been distributed to appropriate places in this supplement as shown below.

TITLE I—GENERAL DEFINITIONS

§ 6371⅝. Citation of act—This Act may be cited as the "Revenue Act of 1924." (June 2, 1924, 4.01 p. m., c. 234, § 1, 43 Stat. 253.)

This section is § 1 of Title I of the Revenue Act of 1924, cited above, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," approved June 2, 1924, at 4 01 p. m.
For corresponding provision in § 1 of the Revenue Act of 1921, see ante, § 6371⅝.

§ 6371⅝a. Definitions—(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

(3) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(4) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(5) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(6) The term "Secretary" means the Secretary of the Treasury.

(7) The term "Commissioner" means the Commissioner of Internal Revenue.

(8) The term "collector" means collector of internal revenue.

(9) The term "taxpayer" means any person subject to a tax imposed by this Act.

(10) The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female.

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined. (June 2, 1924, 4:01 p m, c. 234, § 2, 43 Stat. 253)

This section is § 2 of Title I of the Revenue Act of 1924, cited above.
For corresponding provisions in § 2 of the Revenue Act of 1921, see ante, § 6371⅝a

TITLE II—INCOME TAX

This Title is set forth ante, as Chapter Nine AA—Income Tax, §§ 6336¼-6336½zz(10).

TITLE III—ESTATE AND GIFT TAX

This Title is set forth ante, as Chapter Ten AA—Estate and Gift Tax, §§ 6336⅝-6336⅝x.

TITLE IV—TAX ON CIGARS, TOBACCO, AND MANUFACTURES THEREOF

Of this Title, § 400(a)-(d), and § 402 are set forth ante, under Chapter Seven—Cigars, as §§ 6204c, 6204d thereof, § 400(e) amends R S § 3392, and is set forth ante, § 6202, § 401(a) is set forth ante, under Chapter 6--Tobacco and Snuff, as § 6174d thereof, § 401(b) re-enacts, without change, R S. § 3362, ante, § 6169, and § 403 amends R S. § 3360, ante, § 6168

TITLE V—TAX ON ADMISSIONS AND DUES

This Title is set forth ante, as Chapter Eight EE—Tax on Admissions and Dues, as §§ 6309½d-6309½g thereoof.

TITLE VI—EXCISE TAXES

This Title is set forth ante, as Chapter Eight G—Excise Taxes, as §§ 6309¾f-6309¾k, thereof

TITLE VII—SPECIAL TAXES

Of this Title, §§ 700-704 are set forth ante, as Chapter Three-Special Taxes, as §§ 5980n-5980r thereof, § 705 re-enacts Act Dec 17, 1914 c 1, § 1 as amended by § 1006 of the Revenue Act of 1918, ante, § 6287g; § 706 re-enacts Act Dec 17, 1914, c 1, § 6, as amended by § 1007 of the Revenue Act of 1918, ante, § 6287i; and § 707 supersedes § 1007 of the Revenue Act of 1921, and is set forth ante, § 6287r.

TITLE VIII—STAMP TAXES

This Title is set forth ante, in Chapter Nine—Stamp Taxes on Specific Objects, as §§ 6318i-6318p thereof.

TITLE IX—BOARD OF TAX APPEALS

§ 6371⅝b. (a) Board of Tax Appeals; establishment; number of members—There is hereby established a board to be known as the Board of Tax Appeals (hereinafter referred to as the "Board"). The Board shall be composed of seven members, except that for a period of two years after the enactment of this Act the Board shall be composed of such number of members, not more than twenty-eight, as the President determines to be necessary.

(b) Appointment of members; terms of office; vacancies; removal, salaries—Each member of the Board shall be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. The term of office of all members who are to compose the Board during the period of two years after the enactment of this Act, shall expire at the end of such period. The terms of office of the first seven members who are thereafter to compose the Board shall expire, two at the end of the fourth year, two at the end of the sixth year, two at the end of the eighth year, and one at the end of the tenth year, after the expiration of such two-year period. The term of office of each such member shall be designated by the President, and the terms of office of their successors shall expire ten years after the expiration of their predecessors' terms, except that any individual appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor, and a member in office at the expiration of the term for which he was appointed may continue in office until his successor is qualified. Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other reason. Each member shall receive a salary at the rate of $7,500 per annum.

(c) Practice before Board and Bureau of Internal Revenue by ex-members—No member of the Board appointed for a term beginning after the expiration of two years after the enactment of this Act shall be permitted to practice before the Board or any official of the Bureau of Internal Revenue for a period of two years after leaving office.

(d) Chairman; seal—The Board shall at least biennially designate a member to act as chairman. The Board shall have a seal which shall be judicially noticed.

(e) Hearing and determination of appeals; quorum; effect of vacancy on Board—The Board and its divisions shall hear and determine appeals filed under sections 274, 279, 308, and 312. A majority of the members of the Board or of any division thereof shall constitute a quorum for the transaction of the business of the Board or of the division, respectively. A vacancy in the Board or in any division thereof shall not impair the powers nor affect the duties of the Board or division, nor of the remaining members of the Board or division, respectively.

(f) Divisions; designation and chiefs thereof; hearing and determination of appeals assigned to divisions; decisions of divisions as final decisions of Board—The chairman may from time to time divide the Board into divisions and assign the members thereto, and designate a chief thereof. If a division, as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon, is composed of less than three members, the chairman may assign other members thereto, or he may direct the division to proceed with the transaction of business. A division shall hear and determine appeals filed with the Board and assigned to such division by the chairman. Upon the expiration of thirty days after a decision by a division, such decision, and the findings of fact made in connection therewith, shall become the final decision and findings of the Board, unless within such period the chairman has directed that such decision shall be reviewed by the Board.

(g) Findings of Board prima facie evidence of facts—In any proceeding in court under sections 274, 279, 308, or 312, and in any suit or proceeding by a taxpayer to recover any amounts paid in pursuance of a decision of the Board, the findings of the Board shall be prima facie evidence of the facts therein stated.

(h) Notice and opportunity to be heard; procedure; reports; office of Board; times and places of meetings—Notice and an opportunity to be heard shall be given to the taxpayer and the Commissioner and a decision shall be made as quickly as practicable. Hearings before the Board and its divisions shall be open to the public. The proceedings of the Board and its divisions shall be conducted in accordance with such rules of evidence and procedure as the Board may prescribe. It shall be the duty of the Board and of each division to make a report in writing of its findings of fact and decision in each case, and a copy of its report shall be entered of record and a copy furnished the taxpayer. If the amount of tax in controversy is more than $10,000 the oral testimony taken at the hearing shall be reduced to writing and the report shall contain an opinion in writing in addition to the findings of fact and decision. All reports of the Board and its divisions and all evidence received by the Board and its divisions (including, in cases where the oral testimony is reduced to writing, the transcript thereof) shall be public records open to the inspection of the public. The Board shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Board therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents. The principal office of the Board shall be in the District of Columbia, but the Board or any of its divisions may sit at any place within the United States. The times and places of the meetings of the Board, and of its divisions, shall be prescribed by the chairman with a view to securing reasonable opportunity to taxpayers to appear before the Board or any of its divisions, with as little inconvenience and expense to taxpayers as is practicable.

(i) Oaths, witnesses, and depositions—For the efficient administration of the functions vested in the Board or any division thereof, any member of the Board may administer oaths, examine witnesses, and require, by subpœna ordered by the Board or any division thereof and signed by the member, (1) the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, (2) the taking of a deposition before any designated individual competent to administer oaths under this Act, and (3) the answer in writing under oath to any question of fact submitted. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent. Any witnesses summoned or whose deposition is taken under this subdivision shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(j) Clerical assistance; quarters, stationery, etc.—The Secretary shall furnish the Board with such clerical assistance, quarters, stationery, furniture, office equipment, and other supplies as may be necessary for the efficient execution of the functions vested in it by this section.

(k) Traveling and other expenses; employees; expenditures—The members and employees of the Board and employees assigned thereto shall receive

their necessary traveling expenses, and their actual expenses incurred for subsistence while traveling on duty and away from their designated stations in an amount not to exceed $7 per day in the case of members, and $4 per day in the case of employees. The Board is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1923 to fix the compensation of, such employees, and to make such expenditures, including expenditures for personal services and rent at the seat of the government and elsewhere, and for law books, books of reference, and periodicals, as may be necessary efficiently to execute the functions vested in the Board, in case such assistants and such expenditures are not suitably provided for by the Secretary under subdivision (j) All expenditures of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor, signed by the chairman, out of any moneys appropriated for the collection of internal-revenue taxes and allotted to the Board, or out of any moneys specifically appropriated for the purposes of the Board. The Board shall be an independent agency in the executive branch of the Government (June 2, 1924, 4 01 p m., c 234, § 900, 43 Stat 336)

This section is § 900 of Title IX of the Revenue Act of 1924, cited above
For §§ 274, 279, 308, 312, mentioned in this section, see ante, §§ 6336½zz(1), 6336½zz(6), 6336½h, 6336½l.
See, also, ante, § 3228c.

TITLE X—GENERAL ADMINISTRATIVE PROVISIONS

Of this Title, §§ 1000-1002 are set forth below, as §§ 6371½c-6371½e, § 1003 amends R. S § 3176, ante, § 5899, §§ 1004-1009 are set forth below, as §§ 6371½f-6371½k, § 1010(a) amends Act July 5, 1884, c. 225, § 1, as amended, ante, § 1711; § 1010(b), is set forth ante, as § 1711a, § 1011 re-enacts R S. 3220, ante, § 5944, § 1012 amends R S § 3228, ante, § 5951, § 1013(a) amends Act May 12, 1900. c 393 § 1, as amended, ante, § 6346, § 1013(b) is set forth ante, as § 6336½nnn, § 1014(a) amends R S § 3226, ante, § 5919, § 1014(b) is set forth ante, as § 5949a, § 1015 repeals R S § 3225, and is set forth ante, as § 5948a § 1016 amends R S § 3187, ante, § 5909, § 1017 is set forth below, as § 6371½l, § 1018 re-enacts R S, §§ 3164, 3165, 3167, 3172, and 3173, ante, §§ 5884, 5885, 5887, 5895, and 5896, § 1019 is set forth below, as § 6371½m, § 1020 re-enacts § 177 of the Judicial Code, ante, § 1168; §§ 1021-1024 are set forth below, as §§ 6371½n-6371½q, § 1025(a), (b) is set forth below, as § 6371½r, § 1025(c) amends § 1310(c) of the Revenue Act of 1921, ante, § 991(20a); § 1026 is set forth below, as § 6371½s, § 1027 re-enacts R S § 3315, ante, § 6097; § 1028 is set forth post, § 6829½(¾), § 1029 is set forth ante, as § 3301a; § 1030 amends R. S § 3207, ante, § 5929, and § 1031 amends R S. §§ 3195, 3210, ante, §§ 5917, 5932

LAWS MADE APPLICABLE

§ 6371½c. Laws made part of act—All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this Act. (June 2, 1924, 4:01 p. m., c. 234, § 1000, 43 Stat 339)

This section is § 1000 of Title X of the Revenue Act of 1924, cited above
For corresponding provision in § 1300 of the Revenue Act of 1921, see ante, § 6371½b.

RULES AND REGULATIONS

§ 6371½d. Rules and regulations for enforcement of act—The Commissioner, with the approval of the Secretary, is authorized to prescribe all needful rules and regulations for the enforcement of this Act. (June 2, 1924, 4:01 p. m, c. 234, § 1001, 43 Stat. 339.)

This section is § 1001 of Title X of the Revenue Act of 1924, cited above
For corresponding provision in § 1303 of the Revenue Act of 1921, see ante, § 6371½cc.

RECORDS, STATEMENTS, AND SPECIAL RETURNS

§ 6371½e. Records, statements, and returns; acknowledgment to certain returns; returns and statements on notice from Commissioner—(a) Every person liable to any tax imposed by this Act, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

(b) Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

(c) The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by Titles IV, V, VI, or VII to be under oath may, if the amount of the tax covered thereby is not in excess of $10 be signed or acknowledged before two witnesses instead of under oath.

(d) Any oath or affirmation required by the provisions of this Act or regulations made under authority thereof, may be administered by any officer authorized to administer oaths for general purposes by the law of the United States or of any State, Territory, or possession of the United States, wherein such oath or affirmation is administered, or by any consular officer of the United States (June 2, 1924, 4 01 p m., c. 234, § 1002, 43 Stat. 339.)

This section is § 1002 of Title X of the Revenue Act of 1924, cited above
For corresponding provisions in §§ 1300 and 1303 of the Revenue Act of 1921, see ante, §§ 6371½b, 6371½cc

EXAMINATION OF BOOKS AND WITNESSES

§ 6371½f. Examination of books, papers, records, etc., by Commissioner; taking testimony—The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is hereby authorized, by any revenue agent or inspector designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons. (June 2, 1924, 4:01 p. m., c. 234, § 1004, 43 Stat 340.)

This section is § 1004 of Title X of the Revenue Act of 1924, cited above.

UNNECESSARY EXAMINATIONS

§ 6371½g. Unnecessary examinations and investigations—No taxpayer shall be subjected to unnecessary examinations or investigations, and only one inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the Commissioner, after investigation, notifies the taxpayer in writing that an additional inspection is necessary. (June 2, 1924, 4 01 p. m, c. 234, § 1005, 43 Stat. 340)

This section is § 1005 of Title X of the Revenue Act of 1924, cited above.

FINAL DETERMINATIONS AND ASSESSMENTS

§ 6371½h. Conclusiveness of assessment, determination or payment of tax, and acceptance

of abatement, credit, or refund—If after a determination and assessment in any case the taxpayer has paid in whole any tax or penalty, or accepted any abatement, credit, or refund based on such determination and assessment, and an agreement is made in writing between the taxpayer and the Commissioner, with the approval of the Secretary, that such determination and assessment shall be final and conclusive, then (except upon a showing of fraud or malfeasance or misrepresentation of fact materially affecting the determination or assessment thus made) (1) the case shall not be reopened or the determination and assessment modified by any officer, employee, or agent of the United States, and (2) no suit, action, or proceeding to annul, modify, or set aside such determination or assessment shall be entertained by any court of the United States (June 2, 1924, 4.01 p. m., c. 234, § 1006, 43 Stat. 340.)

This section is § 1006 of Title X of the Revenue Act of 1924, cited above.

ADMINISTRATIVE REVIEW

§ 6371%i. Findings of Commissioner; approval; conclusiveness—In the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the Commissioner upon (or in case the Secretary is authorized to approve the same, then after such approval) the merits of any claim presented under or authorized by the internal-revenue laws shall not, except as provided in section 900, be subject to review by any other administrative or accounting officer, employee, or agent of the United States. (June 2, 1924, 4:01 p. m., c. 234, § 1007, 43 Stat. 340.)

This section is § 1007 of Title X of the Revenue Act of 1924, cited above.

RETROACTIVE REGULATIONS

§ 6371%j. Retroactive effect of regulations or Treasury decisions—(a) In case a regulation or Treasury decision relating to the internal-revenue laws, made by the Commissioner or the Secretary, or by the Commissioner with the approval of the Secretary, is reversed by a subsequent regulation or Treasury decision, and such reversal is not immediately occasioned or required by a decision of a court of competent jurisdiction, such subsequent regulation or Treasury decision may, in the discretion of the Commissioner, with the approval of the Secretary, be applied without retroactive effect.

(b) No tax shall be levied, assessed, or collected under the provisions of Title VI of this Act on any article sold or leased by the manufacturer, producer, or importer, if at the time of the sale or lease there was an existing ruling, regulation, or Treasury decision holding that the sale or lease of such article was not taxable, and the manufacturer, producer, or importer parted with possession or ownership of such article, relying upon the ruling, regulation, or Treasury decision. (June 2, 1924, 4.01 p. m., c. 234, § 1008, 43 Stat. 341.)

This section is § 1008 of Title X of the Revenue Act of 1924, cited above

LIMITATION ON ASSESSMENTS AND SUITS BY THE UNITED STATES

§ 6371%k. (a) Limitation on time for assessment or collection of internal revenue taxes—Except as provided in sections 277, 278, 310, and 311 and subdivisions (b) and (c) of this section, all internal-revenue taxes shall, notwithstanding the provisions of section 3182 of the Revised Statutes or any other provision of law, be assessed within four years after such taxes became due, and no proceeding in court for the collection of such taxes shall be begun after the expiration of five years after such taxes became due.

(b) Effect of fraud or limitations—In case of a false or fraudulent return with intent to evade tax, of a failure to file a required return, or of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(c) Collection of tax by distraint or proceeding in court; proceedings for collection of tax without assessment—Where the assessment of the tax is made within the period prescribed in subdivisions (a) and (b) such tax may be collected by distraint or by a proceeding in court, begun within six years after the assessment of the tax Nothing in this Act shall be construed as preventing the beginning, without assessment, of a proceeding in court for the collection of the tax at any time before the expiration of the period provided in subdivision (a) for the beginning of such proceeding

(d) Effect of existing limitations—This section shall not (1) authorize the assessment of a tax or the collection thereof by distraint or by a proceeding in court if at the time of the enactment of this Act such assessment, distraint, or proceeding was barred by the period of limitation then in existence, or (2) affect any assessment made, or distraint or proceeding in court begun, before the enactment of this Act. (June 2, 1924, 4.01 p. m., c. 234, § 1009, 43 Stat. 341.)

This section is § 1009 of Title X of the Revenue Act of 1924, cited above

For §§ 277, 278, 310, 311, mentioned in this section, see ante, §§ 6336%zz(4), 6336%zz(5), 6336%l, 6336%k

PENALTIES

§ 6371%l. Failure to pay, collect, account for, or pay over tax, or to make returns or supply information; aiding or assisting in preparation or presentation of fraudulent returns, etc.; penalties—(a) Any person required under this Act to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Act, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) Any person required under this Act to collect, account for and pay over any tax imposed by this Act, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this Act or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) Any person who willfully (1) aids or assists in the preparation or presentation of a false or fraudulent return, affidavit, claim, or document, authorized or required by the internal revenue laws, or (2) procures, counsels, or advises the preparation or presentation of such return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony and, upon conviction

thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution

(d) Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by Titles IV, V, VI, VII, and VIII, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected No penalty shall be assessed under this subdivision for any offense for which a penalty may be assessed under authority of section 3176 of the Revised Statutes, as amended, or for any offense for which a penalty has been recovered under section 3256 of the Revised Statutes.

(e) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs (June 2, 1924, 4:01 p. m., c. 234, § 1017, 43 Stat. 343.)

This section is § 1017 of Title X of the Revenue Act of 1924, cited above

For corresponding provisions in § 1302 of the Revenue Act of 1921, see ante, § 6371½c

INTEREST ON REFUNDS OR CREDITS

§ 6371½m. Interest on claims for refunds or credits—Upon the allowance of a credit or refund of any internal-revenue tax erroneously or illegally assessed or collected, or of any penalty collected without authority, or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such credit or refund at the rate of 6 per centum per annum from the date such tax, penalty, or sum was paid to the date of the allowance of the refund, or in case of a credit, to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment, then to the date of the assessment of that amount. The term "additional assessment" as used in this section means a further assessment for a tax of the same character previously paid in part. (June 2, 1924, 4.01 p. m., c. 234, § 1019, 43 Stat. 346)

This section is § 1019 of Title X of the Revenue Act of 1924, cited above.

PAYMENT OF AND RECEIPTS FOR TAXES

§ 6371½n. (a) Payment of taxes with United States certificates of indebtedness and uncertified checks—Collectors may receive, at par with an adjustment for accrued interest, notes or certificates of indebtedness issued by the United States and uncertified checks in payment of income, war-profits, and excess-profits taxes and any other taxes payable other than by stamp, during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe; but if a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

(b) Collectors to give receipts—Every collector to whom any payment of any income tax is made shall upon request give to the person making such payment a full written or printed receipt, stating the amount paid and the particular account for which such payment was made; and whenever any debtor pays taxes on account of payments made or to be made by him to separate creditors the collector shall, if requested by such debtor, give a separate receipt for the tax paid on account of each creditor in such form that the debtor can conveniently produce such receipts separately to his several creditors in satisfaction of their respective demands up to the amounts stated in the receipts, and such receipt shall be sufficient evidence in favor of such debtor to justify him in withholding from his next payment to his creditor the amount therein stated: but the creditor may, upon giving to his debtor a full written receipt acknowledging the payment to him of any sum actually paid and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

(c) Fractional parts of cent disregarded—In the payment of any tax under this Act not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(d) Act Aug. 27, 1894, c. 349, § 37 repealed—Section 37 of the Act of August 27, 1894, entitled "An Act To reduce taxation, to provide revenue for the Government, and for other purposes," is hereby repealed (June 2, 1924, 4 01 p. m., c 234, § 1021, 43 Stat 347.)

This section is § 1021 of Title X of the Revenue Act of 1924, cited above

For corresponding provisions in § 1306 of the Revenue Act of 1921, see ante, § 6371½e.

The repealed section is § 37 of Act Aug 27, 1894, c. 349, 28 Stat 560 It read as follows

"It shall be the duty of every collector of internal revenue, to whom any payment of any taxes other than the tax represented by an adhesive stamp or other engraved stamp is made under the provisions of this Act, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made, and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts, and such receipts shall be sufficient evidence in favor of such debtor, to justify him in withholding the amount therein expressed from his next payment to his creditor, but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt."

METHOD OF COLLECTING TAX

§ 6371½o. Other methods of collecting taxes; administrative and penalty provisions of Title VIII applicable to all taxes, when—Whether or not the method of collecting any tax imposed by Titles IV, V, VI, or VII is specifically provided therein, any such tax may, under regulations prescribed by the Commissioner with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of Title VIII, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner (June 2, 1924, 4:01 p. m., c. 234, § 1022, 43 Stat. 347.)

This section is § 1022 of Title X of the Revenue Act of 1924, cited above.

For corresponding provisions in § 1301 of the Revenue Act of 1921, see ante, § 6371½bb.

OVERPAYMENTS AND OVERCOLLECTIONS

§ 6371½p. Credit of overpayments or overcollections—In the case of any overpayment or overcollection of any tax imposed by Title V or VI, the

person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto (June 2, 1924, 4:01 p m, c 234, § 1023, 43 Stat 347)

This section is § 1023 of Title X of the Revenue Act of 1924, cited above

For corresponding provision in § 1304 of the Revenue Act of 1921, see ante, § 6371½d

ARTICLES EXPORTED

§ 6371½q. Taxes on articles sold or leased for export—Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the taxes imposed under the provisions of Title IV or VI shall not apply in respect of articles sold or leased for export and in due course so exported. Under such rules and regulations the amount of any internal-revenue tax erroneously or illegally collected in respect of exported articles may be refunded to the exporter of the article, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded. (June 2, 1924, 4:01 p. m., c. 234, § 1024, 43 Stat. 348)

This section is § 1024 of Title X of the Revenue Act of 1924, cited above

For corresponding provisions in § 1305 of the Revenue Act of 1921, see ante, § 6371½dd.

JURISDICTION OF COURTS

§ 6371½r. Compelling attendance of witness or production of books or papers; issue of writs; jurisdiction of district courts—(a) If any person is summoned under this Act to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

(b) The district courts of the United States at the instance of the United States are hereby invested with such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the provisions of this Act The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such provisions. (June 2, 1924, 4.01 p. m., c. 234, § 1025 (a, b), 43 Stat 348.)

This section is § 1025(a), (b) of Title X of the Revenue Act of 1924, cited above.

For corresponding provisions in § 1310 of the Revenue Act of 1921, see ante, § 6371½f.

FRAUDS ON PURCHASERS

§ 6371½s. False statements as to tax in connection with sales or leases; penalty—Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year or both. (June 2, 1924, 4.01 p m, c 234, § 1026, 43 Stat. 348)

This section is § 1026 of Title X of the Revenue Act of 1924, cited above

TITLE XI—GENERAL PROVISIONS

Of this Title, § 1100 is set forth below, as § 6371½t § 1101 amends § 1303 of the Revenue Act of 1918, ante, § 106a, § 1102 is set forth ante, § 352aaa; and §§ 1103, 1104 are set forth below, as §§ 6371½u, 6371½v

REPEALS

§ 6371½t. (a) Acts and parts of acts repealed—The following parts of the Revenue Act of 1921 are repealed, to take effect (except as otherwise provided in this Act) upon the enactment of this Act, subject to the limitations provided in subdivisions (b) and (c).

Title II (called "Income Tax") as of January 1, 1924;

Title IV (called "Estate Tax");

Title V (called "Tax on Telegraph and Telephone Messages") except subdivision (d) of section 500, effective on the expiration of thirty days after the enactment of this Act;

Sections 602 and 603 of Title VI (being the taxes on certain beverages and constituent parts thereof);

Title VII (called "Tax on Cigars, Tobacco, and Manufactures Thereof"),

Title VIII (called "Tax on Admissions and Dues"), effective on the expiration of thirty days after the enactment of this Act,

Sections 901, 902, 903, and 904 of Title IX (being certain excise taxes);

Section 900 of Title IX (being certain excise taxes) and section 905 of Title IX (being the tax on jewelry and similar articles), effective on the expiration of thirty days after the enactment of this Act;

Title X (called "Special Taxes") effective on June 30, 1924;

Title XI (called "Stamp Taxes") effective on the expiration of thirty days after the enactment of this Act,

Title XII (called "Tax on Employment of Child Labor");

Sections 1307, 1308, 1309, subdivision (c) of section 1310, sections 1311, 1312, 1313, 1314, 1315, 1316, 1318, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1328, 1329, and 1330 (being certain administrative provisions).

(b) Repealed acts in force for assessment and collection of taxes and for imposition and collection of penalties under prior laws—The parts of the Revenue Act of 1921 which are repealed by this Act shall (except as provided in sections 280 and 316 and except as otherwise specifically provided in this Act) remain in force for the assessment and collection of all taxes imposed by such Act, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes, and for the assessment and collection, to the extent provided in the Revenue Act of 1921, of all taxes imposed by prior income, war-profits, or excess-profits tax acts, and for the assessment, imposition, and collection of all interest, penalties, or forfeitures which have accrued or may accrue in relation to any such taxes. In the case of any tax imposed by any part of the Revenue Act of 1921 repealed by this Act, if there is a tax imposed by this Act in lieu thereof, the provision imposing such tax shall remain in force until the corresponding tax under this Act takes effect under the provisions of this Act.

(c) Effect of repeal of Titles II and IV of Revenue Act of 1921—The repeal of Title II and Title

IV of the Revenue Act of 1921 shall not be construed to take away the retroactive benefits allowed by paragraph (12) of subdivision (a) of section 214 or paragraph (14) of subdivision (a) of section 234, of the Revenue Act of 1921, or by section 401 or 403 of such Act (June 2, 1924, 4 01 p m., c 234, § 1100, 43 Stat. 352)

This section is § 1100 of Title XI of the Revenue Act of 1924, cited above
For corresponding provisions in § 1400 of the Revenue Act of 1921, see ante, § 6371⅛j
For §§ 280, 316, mentioned in this section, see ante, §§ 6336½zz(7), 6356⅛p.

SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

§ 6371⅛u. Partial invalidity of act—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby (June 2, 1924, 4.01 p m. c. 234, § 1103, 43 Stat. 353)

This section is § 1103 of Title XI of the Revenue Act of 1924, cited above
For corresponding provision in § 1403 of the Revenue Act of 1921, see ante, § 6371⅛k

EFFECTIVE DATE OF ACT

§ 6371⅛v. Time of taking effect of act—Except as otherwise provided, this Act shall take effect upon its enactment (June 2, 1924, 4 01 p. m , c. 234, § 1104, 43 Stat. 353.)

This section is § 1104 of Title XI of the Revenue Act of 1924, cited above
For corresponding provision in § 1404 of the Revenue Act of 1921, see ante, § 6371⅛l.

TITLE XII—REDUCTION OF INCOME TAX PAYABLE IN 1924

§ 6371⅞. (a) Amount of credit or refund—Any taxpayer making return, for the calendar year 1923, of the taxes imposed by Parts I and II of Title II of the Revenue Act of 1921 shall be entitled to an allowance by credit or refund of 25 per centum of the amount shown as the tax upon his return.

(b) Credit or refund where tax has been paid in full—If the amount shown as the tax upon the return has been paid in full on or before the time of the enactment of this Act, the amount of the allowance provided in subdivision (a) shall be credited or refunded as provided in section 281 of this Act.

(c) Credit or refund on tax paid in installments—If the taxpayer has elected to pay the tax in installments and, at the time of the enactment of this Act, the date prescribed for the payment of the last installment has not yet arrived, the amount of the allowance provided in subdivision (a) shall be prorated to the four installments The amount so prorated to any installment, the date for payment of which has not arrived, shall be applied in reduction of such installment. The amount so prorated to any installment, the date for payment of which has arrived, shall be credited against the installment next falling due after the enactment of this Act.

(d) Credit or refund where taxpayer has been granted extension of time for payment—If the taxpayer has been granted an extension of time for payment of the tax or any installment thereof to a date subsequent to the enactment of this Act, the amount of the allowance provided in subdivision (a) shall be applied in reduction of the amount of tax shown upon the return, or, if the tax is to be paid in installments, shall be prorated to the four installments The amount so prorated to any installment, the date for payment of which has not arrived, shall be applied in reduction thereof. The amount so prorated to any installment, the date for payment of which has arrived, shall be credited against the installment next falling due after the enactment of this Act

(e) Credit or refund where tax has not been paid in full when due—Where the taxpayer at the time of the enactment of this Act has not paid in full that part of the amount shown as the tax upon the return which should have been paid on or before the time of the enactment of this Act, then 25 per centum of any amount already paid shall be applied in reduction of the amount unpaid (such unpaid amount being first reduced by 25 per centum thereof) and any excess shall be credited or refunded as provided in section 281 of this Act.

(f) Credit or refund where deficiency has been assessed—If the correct amount of the tax is determined to be in excess of the amount shown as the tax upon the return, and a deficiency has been assessed before the enactment of this Act, then 25 per centum of any amount of such deficiency which has been paid shall be applied in reduction of the amount unpaid (such unpaid amount being first reduced by 25 per centum thereof) and any excess shall be credited or refunded as provided in section 281 of this Act. Any deficiency assessed after the enactment of this Act shall be reduced by 25 per centum of the amount which would have been assessed as a deficiency if this title had not been enacted

(g) Deduction of credit or refund in determining penalties or additional taxes—The allowance provided in subdivision (a) shall be deducted from the tax or deficiency for the purpose of determining the amount on which any interest, penalties or additions to the tax shall be based (June 2, 1924, 4:01 p m., c 234, § 1200, 43 Stat 353)

This section is § 1200 of Title XII of the Revenue Act of 1924, cited above
For § 281, mentioned in this section, see ante, § 6336½zz(8).

§ 6371⅞a. (a) Credit or refund on taxes returned for period beginning in 1922 and ending in 1923—Any taxpayer making return, for a period beginning in 1922 and ending in 1923, of the taxes imposed by Parts I and II of Title II of the Revenue Act of 1921, shall be entitled to an allowance by credit or refund of 25 per centum of the same proportion of his tax for such period (determined under the law applicable to the calendar year 1923 and at the rates for such year) which the portion of such period falling within the calendar year 1923 is of the entire period.

(b) Credit or refund on taxes returned for period beginning in 1923 and ending in 1924—Any taxpayer making return, for a period beginning in 1923 and ending in 1924, of the taxes imposed by Parts I and II of Title II of this Act, shall be entitled to an allowance by credit or refund of 25 per centum of the same proportion of a tax for such period (determined under the law applicable to the calendar year 1923 and at the rates for such year) which the portion of such period falling within the calendar year 1923 is of the entire period.

(c) Credit or refund on deficiencies assessed for above periods—In the case of a deficiency assessed upon a taxpayer entitled to the benefits of subdivision (a) or (b) in respect of the tax for a period beginning in 1922 and ending in 1923 or beginning in 1923 and ending in 1924, the allowance provided for in subdivisions (a) and (b) shall be made in respect of such deficiency in a similar manner to that provided in subdivision (f) of section 1200. (June 2, 1924, 4:01 p. m., c. 234, § 1201, 43 Stat 354)

This section is § 1201 of Title XII of the Revenue Act of 1924, cited above.

§ 6371⅞b. Credit or refund on taxes returned for period of less than year—Any taxpayer who has made return of the taxes imposed by Parts I and II of Title II of the Revenue Act of 1921 for a period of less than a year and beginning and ending within the calendar year 1923, shall be entitled to an allowance by credit or refund of 25 per centum of the amount shown as the tax upon his return If the correct amount of the tax for such period is determined to be in excess of the amount shown as the tax upon the return, the taxpayer shall be entitled to the benefits of subdivision (f) of section 1200 of this Act. (June 2, 1924, 4.01 p m., c. 234, § 1202, 43 Stat 355.)

This section is § 1202 of Title XII of the Revenue Act of 1924, cited above
For § 1200, mentioned in this section, see ante, § 6371⅞

§ 6371⅞c. Rules and regulations for making allowances—The allowance provided in sections 1201 and 1202 shall, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, be made in a similar manner to that provided in section 1200. (June 2, 1924, 4·01 p m, c. 234, § 1203, 43 Stat 355.)

This section is § 1203 of Title XII of the Revenue Act of 1924, cited above.
For §§ 1201, 1202, mentioned in this section, see ante, §§ 6371⅞a, 6371⅞b

§ 6371⅞d. Interest on credits or refunds—The interest provided in section 1019 of this Act shall not be allowed in respect of the allowance provided for in this title. (June 2, 1924, 4.01 p. m., c. 234, § 1204, 43 Stat. 355.)

This section is § 1204 of Title XII of the Revenue Act of 1924, cited above
For § 1019, mentioned in this section, see ante, § 6371⅝m

§ 6371⅞e. Rules and regulations for granting of benefits of allowances—The benefits of the allowance provided for in this title shall be granted to the taxpayer under rules and regulations prescribed by the Commissioner with the approval of the Secretary. (June 2, 1924, 4:01 p. m., c. 234, § 1205, 43 Stat. 355)

This section is § 1205 of Title XII of the Revenue Act of 1924, cited above.

§ 6371⅞f. Definitions—Terms defined in the Revenue Act of 1921 shall, when used in this title, have the meaning assigned to such terms in that Act. (June 2, 1924, 4:01 p. m., c. 234, § 1206, 43 Stat 355.)

This section is § 1206 of Title XII of the Revenue Act of 1924, cited above.

TITLE XXXVI—DEBTS DUE BY OR TO THE UNITED STATES

§ 6387a. Claims of disloyalists; services in Army, Navy, and Marine Corps prior to April 13, 1861—That section thirty-four hundred and eighty of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects payments for services in the Army, Navy, and Marine Corps of the United States prior to April thirteenth, eighteen hundred and sixty-one. (July 6, 1914, c. 136, 38 Stat. 454, amended, Feb. 13, 1923, c. 71, 42 Stat. 1226)

This section was amended by Act Feb. 13, 1923, c 71, 42 Stat. 1226, cited above, by adding, after the word "Army," the words "Navy and Marine Corps"

§ 6402a. Settlement of claims not exceeding $1,000 in any one case; definitions—When used in this Act the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps. (Dec. 28, 1922, c. 17, § 1, 42 Stat 1066.)

This section, and the two sections next following, are §§ 1-3 of an act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," cited above. Section 4 of this act repeals all conflicting laws.

§ 6402b. Same; authority of heads of departments or establishments; certification of amounts found due to Congress; time for presentation—Authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed $1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed. Provided, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim (Dec. 28, 1922, c. 17, § 2, 42 Stat. 1066)

See note to § 6402a, ante

§ 6402c. Same; effect of acceptance of amount found due—Acceptance by any claimant of the amount determined under the provisions of this Act shall be deemed to be in full settlement of such claim against the Government of the United States. (Dec. 28, 1922, c. 17, § 3, 42 Stat. 1066.)

See note to § 6402a, ante

§ 6403. Settlement of claims for loss of property in military service—Private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army, including all prescribed articles of equipment and clothing which they are required by law or regulations to own and use in the performance of their duties, and horses and equipment required by law or regulations to be provided by mounted officers, which since the fifth day of April, nineteen hundred and seventeen, has been or shall hereafter be lost, damaged, or destroyed in the military service, shall be replaced, or the damage thereto, or its value recouped to the owner as hereinafter provided, when such loss, damage, or destruction has occurred or shall hereafter occur without fault or negligence on the part of the owner in any of the following circumstances:

First. When such private property so lost, damaged, or destroyed was shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment.

Second. When it appears that such private property was so lost, damaged, or destroyed in consequence of its owner having given his attention to the saving of human life or property belonging to the United States which was in danger at the same time and under similar circumstances, or while, at the time of such loss, damage, or destruction, the claimant was engaged in authorized military duties in connection therewith

Third. When during travel under orders such private property, including the regulating allowance of baggage, transferred by a common carrier, or otherwise transported by the proper agent or agency of the United States Government, is lost, damaged, or destroyed; but replacement, recoupment, or commutation in these circumstances, where the property was or shall be transported by a common carrier, shall be limited to the extent of such loss, damage, or destruction over and above the amount recoverable from said carrier.

Fourth When such private property is destroyed or captured by the enemy, or is destroyed to prevent its falling into the hands of the enemy, or is abandoned on account of lack of transportation or by reason of military emergency requiring its abandonment, or is otherwise lost in the field during campaign (March 3, 1885, c 335, § 1, 23 Stat 350, amended, July 9, 1918, c. 143, subchapter VI, 40 Stat 880, and March 4, 1921, c. 163, 41 Stat 1436)

This section, and the five sections next following, are a part of an act entitled "An Act To amend an Act entitled 'An Act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States,' approved March 3, 1885, as amended by the Act of July 9, 1918, and for other purposes," cited above The act amended is Act March 3 1885, c 335, 23 Stat 350 (U S Comp. St 1918, § 6403), which was amended by Act July 9, 1918, c 143 subchapter VI, 40 Stat 880 This section, prior to this last amendment, read as follows

"Private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army, including all prescribed articles of equipment and clothing which they are required by law or regulations to own and use in the performance of their duties, and horses and equipment required by law or regulations to be provided by mounted officers, which since the fifth day of April, nineteen hundred and seventeen, has been or shall hereafter be lost, damaged, or destroyed in the military service shall be replaced, or the damage thereto or its value recouped to the owner as hereinafter provided, when such loss, damage, or destruction has occurred or shall hereafter occur in any of the following circumstances

"First. When such loss or destruction was without fault or negligence on the part of the owner

"Second When such private property so lost or destroyed was shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment

"Third When it appears that such private property was so lost or destroyed in consequence of its owner having given his attention to the saving of property belonging to the United States which was in danger at the same time and in similar circumstances

"Fourth. When during travel under orders the regulation allowance of baggage transferred by a common carrier is lost or damaged, but replacement or recoupment in these circumstances shall be limited to the extent of such loss or damage over and above the amount recoverable from said carrier

"Fifth When such private property is destroyed or captured by the enemy, or is destroyed to prevent its falling into the hands of the enemy, or is abandoned on account of lack of transportation or by reason of military emergency requiring its abandonment, or is otherwise lost in the field during campaign"

Section 7 of said Act March 3, 1885, c. 335, as added by amendment by Act March 4, 1921, c 163, 41 Stat 1437, repeals so much of Act March 28, 1918, c. 28, § 1, 40 Stat 479, 480, "as makes provision for the presentation, adjustment, and payment of claims of officers and enlisted men for loss of private property destroyed in the military service" See post, note to § 6403b

§ 6403(1). Same; limitations—Except as to such property as by law or regulation is required to be possessed and used by officers, enlisted men, and members of the Army Nurse Corps (female), respectively, the liability of the Government under this Act shall be limited to damage to or loss of such sums of money or such articles of personal property as the Secretary of War shall decide or declare to be reasonable, useful, necessary, and proper for officers, enlisted men, or members of the Army Nurse Corps (female), respectively, as the case may be, to have in their possession while in quarters, or in the field, engaged in the public service in the line of duty. (March 3, 1885, c. 335, § 2, amended, July 9, 1918, c. 143, subchapter VI, 40 Stat. 880, and March 4, 1921, c 163, 41 Stat 1437.)

No change was made in this section by the last amendment See note to § 6403, ante

§ 6403(2). Same; examination; payment; replacement—The Secretary of War is authorized and directed to examine into, ascertain, and determine the value of such property lost, destroyed, captured, or abandoned as specified in the foregoing paragraphs, or the amount of damage thereto, as the case may be; and the amount of such value or damage so ascertained and determined shall be paid by disbursing officers of the Army, or such property lost, destroyed, captured, or abandoned, or so damaged as to be unfit for service, may be replaced in kind from Government property on hand when the Secretary of War shall so direct (March 3, 1885 c 335, § 3 amended, July 9, 1918, c 143, subchapter VI, 40 Stat 881, and March 4, 1921, c. 163, 41 Stat 1437.)

This section, prior to this last amendment, read as follows

"The proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain and determine the value of the property lost, destroyed, captured, or abandoned as specified in the foregoing sections, or the amount of the damage thereto, as the case may be, and the amount of such value or damage so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated Provided, That in time of war or of operations during public disaster such property lost, destroyed, captured, or abandoned, or so damaged as to be unfit for service, shall be replaced in kind from Government property on hand or adequate commutation given therefor when replacement in kind can not be made, or can not be made within a reasonable time, by the supply officer or quartermaster of the organization to which the person entitled thereto belongs or with which he is serving upon the order of the commanding officer thereof"

See note to § 6403 ante.

§ 6403(3). Same; final determination—The tender of replacement or of commutation or the determination made by the Secretary of War upon a claim presented, as provided for in the foregoing section, shall constitute a final determination of any claim cognizable under this chapter, and such claim shall not thereafter be reopened or considered (March 3, 1885, c 335, § 4, amended, July 9, 1918, c. 143, subchapter VI, 40 Stat 881, and March 4, 1921, c 163, 41 Stat. 1437.)

No change was made in this section by this last amendment See note to § 6403, ante.

§ 6403(4). Same; time for presentation—No claim arising under this Act shall be considered unless made within two years from the time that it accrued, except that when a claim accrues in time of war, or when war intervenes within two years after its accrual, such claim may be presented within two years after peace is established. (March 3, 1885, c. 335, § 5, amended, July 9, 1918, c. 143, subchapter VI, 40 Stat. 881, and March 4, 1921, c. 163, 41 Stat. 1437.)

No change was made in this section by this last amendment See note to § 6403, ante

§ 6403(5). Same; appropriation—For the payment of claims arising and established under this Act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $300,000 (March 3, 1885, c. 335, § 6, added, March 4, 1921, c. 163, 41 Stat. 1437.)

See note to § 6403, ante.

§ 6403b. [Repealed.]

This section, which was a part of Act March 28, 1918, c 28, § 1, 40 Stat 479, 480, is repealed by Act March 3, 1885, c. 335, § 7, as added by amendment by Act March 4, 1921, c 163, 41 Stat. 1437, as follows

"So much of the Act of March 28, 1918 (Fortieth Statutes, pages 479, 480), as makes provision for the presentation, adjustment, and payment of claims of officers and enlisted men for loss of private property destroyed in the military service be, and the same hereby is, repealed." See note to § 6403, ante.

§ 6404a. Settlement of claims for loss or damage to private property from operation, etc., of Army—For payment of claims of not to exceed $500 each in amount for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, $50,000: Provided, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfac-

tion of such damages. (June 30, 1922, c. 253, title I, 42 Stat. 725; March 2, 1923, c. 178, title I, 42 Stat. 1386; June 7, 1924, c. 291, title I, 43 Stat. 483; Feb. 12, 1925, c. 225, title I, 43 Stat. 897.)

From the War Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 6404b. Settlement of claims for damages from operation of aircraft—Not more than $4,000 may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Service and the Secretary of War . (June 30, 1922, c. 253, title I, 42 Stat. 737; March 2, 1923, c. 178, title I, 42 Stat. 1398; June 7, 1924, c. 291, title I, 43 Stat. 492; Feb. 12, 1925, c. 225, title I, 43 Stat. 907.)

From the War Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

TITLE XXXVII—COINAGE

§ 6434.

For current appropriations for salaries of officers and employés of the mints see Act Jan. 22, 1925, c. 87, title I, 43 Stat. 776.

§ 6452c. Silver fifty-cent pieces to commemorate 100th anniversary of admission of Maine as State—As soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union as a State, there shall be coined at the mints of the United States silver 50-cent pieces to the number of one hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (May 10, 1920, c. 176, § 1, 41 Stat. 595.)

This section, and the section next following, are an act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Maine into the Union," cited above.

§ 6452d. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (May 10, 1920, c. 176, § 2, 41 Stat. 595.)

See note to § 6452c, ante.

§ 6452e. Silver fifty-cent pieces to commemorate 100th anniversary of admission of Alabama as State—As soon as practicable, and in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union as a State, there shall be coined at the mints of the United States silver 50-cent pieces to the number of one hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (May 10, 1920, c. 177, § 1, 41 Stat. 595.)

This section, and the section next following, are an act entitled, "An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Alabama into the Union," cited above.

§ 6452f. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the Government shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (May 10, 1920, c. 177, § 2, 41 Stat. 595.)

See note to § 6452e, ante.

§ 6452g. Silver fifty-cent pieces to commemorate 300th anniversary of landing of Pilgrims—In commemoration of the three hundredth anniversary of the landing of the Pilgrims there shall be coined at the mints of the United States silver 50-cent pieces to the number of three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (May 12, 1920, c. 182, § 1, 41 Stat. 597.)

This section, and the section next following, are an act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the landing of the Pilgrims," cited above.

§ 6452h. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (May 12, 1920, c. 182, § 2, 41 Stat. 597.)

See note to § 6452g, ante.

§ 6452i. Silver fifty-cent pieces to commemorate 100th anniversary of admission of Missouri as State—In commemoration of the one hundredth anniversary of the admission of Missouri into the Union there shall be coined at the mints of the United States 50-cent pieces to the number of two hundred and fifty thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (March 4, 1921, c. 158, § 1, 41 Stat. 1363.)

This section, and the section next following, are an act entitled "An Act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the admission of Missouri into the Union," cited above.

§ 6452j. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the trans-

portation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (March 4, 1921, c. 153, § 2, 41 Stat. 1363)

See note to § 6452i, ante.

§ 6452k. Grant Memorial gold dollar and silver half dollar—For the purpose of aiding in defraying the cost of erecting a community building in the village of Georgetown, Brown County, Ohio and a like building in the village of Bethel, Clermont County, Ohio as a memorial to Ulysses S Grant, late President of the United States, and for the purpose of constructing a highway five miles in length from New Richmond, Ohio, to Point Pleasant, Clermont County, Ohio, the place of birth of Ulysses S Grant, to be known as the Grant Memorial Road, there shall be coined in the mints of the United States, Grant memorial gold dollars to the number of ten thousand, and Grant memorial silver half dollars to the number of two hundred fifty thousand, said coins to be of a standard Troy weight, composition, diameter and design as shall be fixed by the Director of the Mint and approved by the Secretary of the Treasury, which said coins shall be legal tender to the amount of their face value, to be known as the Grant memorial gold dollar and the Grant memorial silver half dollar struck in commemoration of the centenary of the birth of Ulysses S. Grant, late President of the United States (Feb. 2, 1922, c 45, 42 Stat. 362)

This section, and the section next following, are an act entitled "An act to authorize the coinage of a Grant memorial gold dollar and a Grant memorial silver half dollar in commemoration of the centenary of the birth of General Ulysses S Grant, late President of the United States," cited above

§ 6452l. Same; laws applicable—All laws now in force relating to the gold coins and subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparation for this coinage. (Feb. 2, 1922, c. 45, 42 Stat. 362)

See note to § 6452k, ante

§ 6452m. Silver fifty-cent pieces to commemorate the 100th anniversary of the Monroe Doctrine—In commemoration of the one hundredth anniversary of the enunciation of the Monroe doctrine there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (Jan. 24, 1923, c. 38, § 1, 42 Stat 1172)

This section, and the two sections next following are an act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the enunciation of the Monroe doctrine," cited above

§ 6452n. Same; when issued—The coins herein authorized shall be issued only upon the request of the Los Angeles Clearing House and upon payment by such clearing house to the United States of the par value of such coins (Jan 24, 1923 c. 38, § 2, 42 Stat 1173)

See note to § 6452m, ante.

§ 6452o. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (Jan. 24, 1923, c. 38, § 3, 42 Stat. 1173.)

See note to § 6452m, ante

§ 6452p. Silver fifty-cent pieces to commemorate the 300th anniversary of the settling of New Netherland, etc.—In commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Company, there shall be coined at the mints of the United States silver 50-cent pieces to the number of three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (Feb 26, 1923, c. 113, § 1, 42 Stat. 1287)

This section, and the two sections next following, are an act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Company," cited above.

§ 6452q. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or the striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (Feb. 26, 1923, c. 113, § 2, 42 Stat 1287)

See note to § 6452p, ante.

§ 6452r. Same; when issued—The coins herein authorized shall be issued only upon the request of the Fifth National Bank of New York, and upon payment of the par value of such coins by such bank to the United States Treasury. (Feb. 26, 1923, c. 113, § 3, 42 Stat 1287.)

See note to § 6452p, ante.

§ 6452s. Silver fifty-cent pieces to commemorate commencement of work of carving memorial on Stone Mountain, Georgia—In commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than five mil-

tion. such 50-cent pieces to be of the standard troy weight, composition, diameter, device. and design as shall be fixed by the Director of the Mint. with the approval of the Secretary of the Treasury. which said 50-cent pieces shall be legal tender in any payment to the amount of their face value (March 17, 1924, c 58. § 1. 43 Stat 23)

This section, and the two sections next following, are an act entitled 'An act to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1 23, of the work of carving on Stone Mountain in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun," cited above.

§ 6452t. Same; when issued—The coins herein authorized shall be issued only upon the request of the executive committee of the Stone Mountain Confederate Monumental Association, a corporation of Atlanta, Georgia. and upon payment by such executive committee for and on behalf of the Stone Mountain Confederate Monumental Association of the par value of such coins, and it shall be permissible for the said Stone Mountain Confederate Monumental Association to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts. as it may determine. (March 17, 1924, c. 58, § 2, 43 Stat. 23.)

See note to § 6452s, ante.

§ 6452u. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage (March 17, 1924, c. 58, § 3, 43 Stat. 23)

See note to § 6452s, ante.

§ 6452v. Silver fifty-cent pieces to commemorate one hundred and fiftieth anniversary of Battle of Lexington and Concord—In commemoration of the. one hundred and fiftieth anniversary of the Battle of Lexington and Concord there shall be coined at the mints of the United States silver 50-cent pieces to the number of three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value. (Jan. 14, 1925, c. 79, § 5, 43 Stat. 749.)

This section, and the section next following, are §§ 5 and 6 of a Joint Resolution entitled a "Joint Resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, authorizing an appropriation to be used in connection with such observance, and for other purposes," cited above.

§ 6452w. Same; laws applicable—All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same. regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage (Jan 14, 1925, c. 70, § 6, 43 Stat 749)

See note to § 6452v, ante

§ 6452ww. Silver 50 cent pieces in commemoration of 150th anniversary of battle of Bennington—In commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont there shall be coined in the mints of the United States silver 50-cent pieces to the number of forty thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value (Feb. 24, 1925, c. 302. § 1, 43 Stat 965.)

This section, and the three sections next following are an act entitled "An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the battle of Bennington and the independence of Vermont, in commemoration of the seventy-fifth anniversary of the admission of California into the Union, and in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, state of Washington," cited above

§ 6452www. Silver 50 cent pieces in commemoration of 75th anniversary of admission of California into Union—In commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value

The coins herein authorized by section 2 hereof shall be issued only upon the request of the San Francisco Clearing House Association and the Los Angeles Clearing House Association. or either of them, and upon payment by such associations, or either of them, to the United States of the par value of such coins. (Feb. 24, 1925, c. 302, § 2, 43 Stat. 965)

See note to § 6452ww, ante.

§ 6452x. Silver 50 cent pieces in commemoration of 100th anniversary of founding of Fort Vancouver—In commemoration of the one hundredth anniversary of the founding of Fort Vancouver by the Hudson Bay Company, State of Washington, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than three hundred thousand, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

That the coin herein authorized shall be issued only upon the request of the executive committee of the Fort Vancouver Centennial Corporation, of Vancouver, Washington, and upon payment by such executive committee for and on behalf of the Fort Vancouver Centennial Corporation of the par value of such coins, and it shall be permissible for the said Fort Vancouver Centennial Corporation to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts, as it may determine (Feb. 24, 1925, c. 302, § 3, 43 Stat. 966.)

See note to § 6452ww, ante.

§ 6452xx. Laws applicable to coins authorized by sections 1-3—All laws now in force relating to the subsidiary gold and silver coins of the United States and the coining or striking of the same, regulat-

ing and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized. Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage. (Feb 24, 1925, c 302, § 4, 43 Stat 966)

See note to § 6452ww, ante

§ 6452y. Gold $2.50 pieces and silver 50 cent pieces in commemoration of the 150th anniversary of the signing of Declaration of Independence—(a) In commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence there shall be coined at the mints of the United States gold $2.50 pieces to the number of not more than two hundred thousand and silver 50-cent pieces to the number of not more than one million, such coins to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, and such coins shall be legal tender in any payment to the amount of their face value.

(b) All laws now in force relating to the gold coins and subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized. Provided, That the United States shall not be subject to the expense of making the necessary dies and other preparation for this coinage.

(c) The coins authorized by this section shall be issued only to the authorized officers of the Sesquicentennial Exhibition Association, and in such numbers and at such times as they shall request, upon payment by such officers, for and on behalf of such association, of the par value of such coins. (March 3, 1925, c. 482, § 4, 43 Stat. 1254.)

This section is section 4 of a resolution entitled a "Joint Resolution providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes," cited above.

§ 6494. Purchase of metal for minor coinage; profit fund—For the purchase of metal for the minor coinage, authorized by this Act, a sum not exceeding $400,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, and Denver, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States. (R. S. § 3528, amended, April 24, 1900, c. 1861, 31 Stat. 132, and Dec 2, 1918, c. 1, 40 Stat. 1051.)

This section was again amended by Act Dec. 2, 1918, c 1, cited above to read as set forth above.

This amendment consists in increasing the amount for the purchase of metal from $200,000 to $400,000, and in striking out New Orleans from the enumerated lists of mints.

§ 6522.

Act March 2, 1925, c 393, 43 Stat 1096, reads as follows: "A medal, not to exceed in number forty thousand, with appropriate devices, emblems, and inscriptions commemorative of the arrival in the United States of the first shipload of Norse immigrants on board the sloop Restauration-en, which event is to be celebrated at the Norse-American Centennial on the Minnesota State Fair Grounds June 6 to 9 1925, inclusive, shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia. The medals herein authorized shall be manufactured, subject to the provisions of section 52 of the Coinage Act of 1873, from suitable models to be supplied by the Norse-American Centennial (Incorporated). The medals so prepared shall be delivered at the Philadelphia Mint to a designated agent of said Norse-American Centennial (Incorporated) upon payment of the cost thereof."

§ 6536. Value of foreign coins; how ascertained—That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint and be proclaimed by the Secretary of the Treasury quarterly on the 1st day of January, April, July, and October in each year (Aug. 27, 1894, c. 349, § 25, 28 Stat. 552, amended, May 27, 1921, c 14, § 403[a], 42 Stat 17, and re-enacted Sept. 21, 1922, c. 356, tit. IV, § 522(a), 42 Stat. 974.)

This section was amended by par a of § 403 of title IV of Act May 27, 1921, c 14, 42 Stat 17, entitled "General Provisions" For the section prior to this amendment see U S Comp. St 1918, § 6536. Par. e of said § 403 provides that this section, as in force prior to its amendment by par. a, shall remain in force for the assessment and collection of duties on merchandise imported into the United States prior to the day of the enactment of said act See ante, note under chapter C of title 33 of this compilation. It was again amended by Act Sept 21, 1922, c 356, title IV, § 522, subsection (a), cited above, to read as set forth above This amendment was merely a re-enactment of the section as previously amended

§ 6536a. Conversion of foreign currency into United States currency at values proclaimed by Secretary of Treasury under preceding section—For the purpose of the assessment and collection of duties upon merchandise imported into the United States on or after the day of the enactment of this Act, wherever it is necessary to convert foreign currency into currency of the United States, such conversion, except as provided in subdivision (c), shall be made at the values proclaimed by the Secretary under the provisions of section 25 of such Act of August 27, 1894, for the quarter in which the merchandise was exported. (May 27, 1921, c. 14, § 403 [b], 42 Stat. 17.)

This section, and the section next following, are pars. b and c of § 403 of title IV of Act May 27, 1921, c. 14, entitled "General Provisions" See ante, note under chapter C of title 33 of this supplement

§ 6536aa. Conversion of foreign currency into United States currency where no values proclaimed or where proclaimed values vary from value measured by buying rate in New York—If no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be

made at a value measured by such buying rate For the purposes of this subdivision such buying rate shall be the buying rate for cable transfers payable in the foreign currency so to be converted, and shall be determined by the Federal Reserve Bank of New York and certified daily to the Secretary, who shall make it public at such times and to such extent as he deems necessary In ascertaining such buying rate such Federal Reserve Bank may in its discretion (1) take into consideration the last ascertainable transactions and quotations, whether direct or through the exchange of other currencies and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange. (May 27, 1921, c. 14, § 403[c], 42 Stat. 17.)

See note to § 6536a, ante

§ 6537. [Repealed.]

This section (R S § 3565) is repealed by par d of § 403 of title IV of Act May 27, 1921, c 14, 42 Stat 17, entitled "General Provisions" See ante, note under chapter C of title 33 of this supplement.

§ 6537a. Stabilization of foreign exchanges— The Secretary of the Treasury may, during the war and for two years after its termination, make arrangements in or with foreign countries to stabilize the foreign exchanges and to obtain foreign currencies and credits in such currencies, and he may use any such credits and foreign currencies for the purpose of stabilizing or rectifying the foreign exchanges, and he may designate depositaries in foreign countries with which may be deposited as he may determine all or any part of the avails of any foreign credits or foreign currencies. (Sept. 24, 1918, c. 176, § 4, 40 Stat. 966.)

This section is § 4 of an act entitled "An act to supplement the Second Liberty Bond Act, as amended, and for other purposes," cited above.

TITLE XXXVIII—THE CURRENCY

§ 6553c. Distinctive paper for United States securities; additional employés for mills—During such period as it may be necessary to operate more than one mill for the manufacture of distinctive paper, the Secretary of the Treasury is authorized to employ temporarily such employees as may be necessary at rates of pay corresponding to those of the regular employees, the compensation of such temporary employees to be a charge against the appropriation available for the distinctive paper then manufactured. (April 4, 1924, c. 84, title I, 43 Stat. 69.)

From the Treasury and Post Office Departments appropriation act for the year 1925, cited above The "First Deficiency Act, fiscal year 1924," Act April 2, 1924, c 81, § 1, 43 Stat. 49, contains the same provision.

§ 6556aa. Printing on power presses fronts and backs of paper money, etc.—Hereafter the Secretary of the Treasury is authorized to print from plates of more than four subjects each upon power presses the fronts and backs of any paper money, bonds, or other printed matter now or hereafter authorized to be executed at the Bureau of Engraving and Printing; and the Secretary shall, in the exercise of the authority conferred upon him by this paragraph, reduce the number of persons employed in the operation of plate-printing presses by not less than two hundred and eighteen. (Jan. 3, 1923, c. 22, 42 Stat. 1099.)

From the Treasury Department appropriation act for the year 1924, cited above.

TITLE XXXIX—LEGAL TENDER

§ 6577a. United States gold certificates—Gold certificates of the United States payable to bearer on demand shall be and are hereby made legal tender in payment of all debts and dues public and private. (Dec. 24, 1919, c. 15, § 1, 41 Stat 370)

This is an act entitled "An act to make gold certificates of the United States payable to bearer on demand legal tender," cited above

Section 2 of this act repeals all inconsistent acts or parts of acts.

TITLE XL—THE PUBLIC MONEYS

§ 6584. [Repealed.]

See § 6585a, post, and note thereunder

§ 6585a. R. S. § 3595, as amended, repealed; discontinuance of subtreasuries and offices of assistant treasurers—Section 3595 of the Revised Statutes of the United States, as amended, providing for the appointment of an Assistant Treasurer of the United States at Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, San Francisco Cincinnati, and Chicago, and all laws or parts of laws so far as they authorize the establishment or maintenance of offices of such Assistant Treasurers or of Subtreasuries of the United States are hereby repealed from and after July 1, 1921; and the Secretary of the Treasury is authorized and directed to discontinue from and after such date or at such earlier date or dates as he may deem advisable, such subtreasuries and the exercise of all duties and functions by such assistant treasurers or their offices The office of each assistant treasurer specified above and the services of any officers or other employees assigned to duty at his office shall terminate upon the discontinuance of the functions of that office by the Secretary of the Treasury. (May 29, 1920, c 214 § 1, 41 Stat. 654.)

This section, and the five sections next following, are provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1921, cited above For R. S. § 3595, repealed as above, see U. S Comp. St. 1918, § 6584

§ 6585b. Transfer of duties of assistant treasurers to other officers, etc.—The Secretary of the Treasury is hereby authorized, in his discretion, to transfer any or all of the duties and functions performed or authorized to be performed by the assistant treasurers above enumerated, or their offices, to the Treasurer of the United States or the mints or assay offices of the United States, under such rules and regulations as he may prescribe, or to utilize any of the Federal reserve banks acting as depositaries or fiscal agents of the United States, for the purpose of performing any or all of such duties and functions, notwithstanding the limitations of section 15 of the Federal reserve Act, as amended, or any other provisions of law. (May 29, 1920, c. 214, § 1, 41 Stat 655.)

See note to § 6585a, ante

§ 6585c. Deposit of money or bullion with Federal reserve banks—If any moneys or bullion, constituting part of the trust funds or other special funds heretofore required by law to be kept in Treasury offices, shall be deposited with any Federal reserve bank, then such moneys or bullion shall by such bank be kept separate and distinct from the assets, funds, and securities of the Federal reserve bank and be held in the joint custody of the Federal reserve agent and the Federal reserve bank. (May 29, 1920, c. 214, § 1, 41 Stat 655.)

See note to § 6585a, ante.

§ 6585d. Member banks as depositaries—Nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositaries as heretofore authorized by law (May 29, 1920, c. 214, § 1, 41 Stat. 655.)

See note to § 6585a, ante

§ 6585e. Quarters occupied by subtreasuries; assignment to Federal reserve banks—The Secretary of the Treasury is hereby authorized to assign any or all the rooms, vaults, equipment and safes or space in the buildings used by the subtreasuries to any Federal reserve bank acting as fiscal agent of the United States (May 29, 1920, c 214, § 1, 41 Stat 655.)

See note to § 6585a, ante

§ 6585f. Transfer of employees in subtreasuries—All employees in the subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. To the extent that such employees possess required qualifications, they shall be given preference over new appointments in the classified civil service under the control of the Treasury Department in the cities in which they are now employed. (May 29, 1920, c 214, § 1, 41 Stat 655.)

See note to § 6585a, ante

§ 6612b. Depositaries of public moneys in foreign countries, the Territories, and the insular possessions of the United States—The Secretary of the Treasury may designate such depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States as may be necessary for the transaction of the Government's business, under such terms and conditions as to security and otherwise as he may from time to time prescribe: Provided, That in designating such depositaries American financial institutions shall be given preference wherever, in the judgment of the Secretary of the Treasury, such institution is safe and able to render the service required. (June 19, 1922, c. 228, 42 Stat. 662.)

This section is a resolution entitled a "Joint resolution authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States," cited above.

§ 6617a. Extension of time for transmission of money accounts—The Secretary of the Treasury is hereby authorized in time of war, upon request to the Secretary of War, to extend the period during which money accounts covering expenditures from appropriations for the Army may be transmitted to the Auditor for the War Department after their receipt in the War Department from sixty to ninety days. (July 9, 1918, c. 143, subchapter XVIII, 40 Stat. 892.)

From the Army appropriation act for the year 1919, cited above

§ 6619a. Relief of disbursing officers of Navy—The accounting officers of the Treasury shall relieve any disbursing officer of the Navy charged with responsibility on account of loss or deficiency while in the line of his duty, of Government funds vouchers, records, or papers, in his charge, where such loss or deficiency occurred without fault or negligence on the part of said officer: Provided, That the Secretary of the Navy shall have determined that the officer was in the line of his duty, and the loss or deficiency occurred without fault or negligence on his part: Provided further, That the determination by the Secretary of the Navy of the aforesaid questions shall be conclusive upon the accounting officers of the Treasury: Provided further, That all cases of relief granted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy (July 11, 1919, c 9, 41 Stat 132.)

From the Naval appropriation act for the year 1920, cited above

§ 6619aa. Accounts of disbursing officers or agents of War and Navy Departments; losses occurring between April 6, 1917, and Nov. 18, 1921—That the Comptroller General of the United States be, and hereby is, authorized, through such officers as he may designate, and within four years from the passage of this Act (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible, and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: Provided, That in cases of losses or payments involving more than $1,000, the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment. Provided further, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion (April 21, 1922, c. 135, 42 Stat 497, amended, Feb. 11, 1925, c. 207, 43 Stat. 860.)

This section is an act entitled "An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts," cited above. It was amended by Act Feb 11, 1925, c 207, cited above, by extending the time within which the authority conferred could be exercised from two to four years.

§ 6647.

A part of the appropriation for the enforcement of the National Prohibition Act and the Narcotic Drugs Import and Export Act is made available for advances to be made by special disbursing agents when authorized by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding, by a provision in the Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c 87, title I, 43 Stat 771.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title II, 43 Stat. 1026, contains the following provision: "For traveling and other miscellaneous and emergency expenses, including advances made by the disbursing clerk, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of section 3648, Revised Statutes, to the contrary notwithstanding" * * Said act also provides that the appropriation therein for the detection and prosecution of crimes "shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding" * *.

This section is not to apply to subscriptions for foreign and professional newspapers and periodicals nor to other payments made in compliance with the laws of foreign countries under which the military attachés are required to operate, to be paid from the appropriation for contingencies for the military intelligence division of the General Staff Corps; nor to subscriptions for foreign and professional newspapers and periodicals to be paid for from the appropriation for the Air Service of the Army; nor to subscriptions for foreign and professional newspapers and periodicals to be paid for from the appropriation for the Engineer School, Corps of Engineers, nor to subscriptions for foreign and professional newspapers and periodicals to be paid for from the appropriation for the Coast Artillery School at Fort Monroe; nor to subscriptions for foreign, professional, and other newspapers and periodicals to be paid from appropriations for the Military Academy—by provisions in the War Department appropriation act, Act Feb 12, 1925, c 225, title I, 43 Stat 892.

§ 6647a. Advances to disbursing officers and agents of Army under "Army accounts of ad-

vances"; amounts; use of—That the Secretary of War be, and he hereby is, authorized to issue his requisitions for advances to disbursing officers and agents of the Army, under an "Army account of advances," not to exceed the total appropriation for the Army, the amount so advanced to be exclusively used to pay, upon proper vouchers, obligations lawfully payable under the respective appropriations (June 5, 1920, c 240, 41 Stat 975)

This section, and the three sections next following are from Army appropriation act for the year 1921, cited above

§ 6647b. Same; charge to proper appropriations—That the amount so advanced be charged to the proper appropriations and returned to "Army account of advances" by pay and counterwarrant The said charge, however, to particular appropriations shall be limited to the amount appropriated to each. (June 5, 1920, c 240, 41 Stat. 975)

See note to § 6647a, ante

§ 6647c. Same; adjustment of liabilities with account—The Auditor for the War Department shall declare the sums due from the several special appropriations upon complete vouchers, as heretofore, according to law; and he shall adjust the said liabilities with the Army account of advances." (June 5, 1920, c. 240, 41 Stat. 975)

See note to § 6647a, ante

§ 6647d. Same; existing balances transferred to account—Any balances of existing Army appropriations now available for withdrawal from the Treasury, together with any unexpended balances now charged to disbursing officers or agents of the Army which, under existing law, are available for disbursement, shall at such time as may be designated by the Secretary of War, be transferred on the books of the Treasury Department to "Army account of advances" and shall be disbursed and accounted for as such. (June 5, 1920, c. 240, 41 Stat. 975)

See note to § 6647a, ante

§ 6647e. Fees, fines, etc., payable into Treasury to credit of United States and District of Columbia—On and after July 1, 1921, all fees, fines, and other miscellaneous items of revenue theretofore required by law to be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts shall be paid for each fiscal year into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as appropriations for the expenses of the government of the District of Columbia for such fiscal year are paid from the Treasury of the United States and the revenues of the District of Columbia, and all collections on account of special assessments for public improvements for which assessments are levied according to the law shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations used in paying for such assessment work are charged, respectively, against the revenues of the District of Columbia and the treasury of the United States. (Feb. 22, 1921, c. 70, § 7, 41 Stat. 1144)

From the District of Columbia appropriation act for the year 1922, cited above.

§ 6647f. Advances of public moneys; subscriptions for publications for United States Veterans' Bureau—Hereafter section 3648 of the Revised Statutes shall not apply to subscriptions for publications for the United States Veterans' Bureau and the director is authorized to pay in advance for any publications for the use of the Bureau. (June 7, 1924, c. 292, § 1, 43 Stat. 533.)

From the Executive office and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1925, cited above.

§ 6647g. Advances of public moneys; by United States marshals—Appropriations for salaries, fees, and expenses of marshals for the fiscal year 1924, and thereafter, shall be available for advances to be made by United States marshals when authorized or approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding. (Dec 5, 1924, c. 4, § 1, 43 Stat 687)

From the Second Deficiency Act, Fiscal Year 1924, cited above

§ 6647gg. Advances of public moneys; payments for rent of offices in foreign countries for Bureau of Foreign and Domestic Commerce—Hereafter section 3648 of the Revised Statutes shall not apply to advance payments for rent of offices in foreign countries by the Bureau of Foreign and Domestic Commerce (March 4, 1925, c. 556, § 1, 43 Stat. 1327)

From the Second Deficiency Act, fiscal year 1925, cited above

§ 6649.

See ante, § 813a.

§ 6653.

See note to § 6657, post.

§ 6657.

For current appropriation for contingent expenses, etc., under the requirements of this section and section 6653, see Act Jan. 22, 1925, c. 87, title I, 43 Stat. 767

TITLE XLI—APPROPRIATIONS

§ 6676aa. Printing and binding; for Army and National Guard—Printing, binding, and blank books required for use outside of the District of Columbia in connection with the support of the Army and the National Guard may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriations. (July 9, 1918, c. 143, 40 Stat. 877)

From the Army appropriation act for the year 1919, cited above

§ 6676b. Same; for United States Military Academy—Hereafter printing, binding, and blank books required for the use of the United States Military Academy may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriation or appropriations made for the Military Academy. (June 27, 1918, c. 108, 40 Stat. 632)

From the Military Academy appropriation act for the year 1919, cited above.

§ 6684a. Estimates; statements in of buildings rented in District of Columbia—Hereafter the statement of buildings rented within the District of Columbia for the use of the Government, required by the Act of July 16, 1892, shall indicate, in addition to the data required by section 3 of the Act of May 1, 1913, the cost of the care, maintenance, and operation of each building per square foot of floor space of the building or portion of building rented. (May 29, 1920, c. 214, § 7, 41 Stat. 691)

This section is § 7 of the legislative, executive, and judicial appropriation act for the year 1921, cited above.

§ 6684b. Estimates; statements in of Government-owned buildings in District of Columbia—Hereafter it shall be the duty of the head of each department and independent establishment of the Government to submit to Congress annually in the Book

of Estimates, a statement giving for each of the Government-owned buildings in the District of Columbia under their respective jurisdiction the following information for the preceding fiscal year The location and valuation of each building the purpose or purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof per square foot of floor space (June 5, 1920, c 235, § 3, 41 Stat 945)

This section is § 3 of the sundry civil appropriation act for the year 1921, cited above

§ 6702a. Estimates; for fortifications and other works of defense—Estimates of appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service shall be submitted to Congress in the Book of Estimates for the fiscal year 1921 and each fiscal year thereafter upon an annual basis. (March 3, 1919, c. 99, § 6, 40 Stat. 1309)

This section is a part of § 6 of the fortifications appropriation act for the year 1920, cited above

§ 6753a. Appropriations for Navy Bureau of Yards and Docks available until expended—Appropriations herein and hereafter made under the Bureau of Yards and Docks for public works, exclusive of repairs and preservation, shall remain available until expended. (July 12, 1921, c. 44, § 3, 42 Stat. 139)

From the Naval service appropriation act for the year 1922, cited above

§ 6753b. Restrictions upon use of appropriations for "Increase of Navy" under Bureau of Ordnance—No part of the appropriations heretofore, herein, or hereafter made for "Increase of the Navy" under the Bureau of Ordnance and no part of allotments of appropriations heretofore or hereafter made to said bureau shall be available for the payment for services or materials used in the construction of any shop, building, living quarters, or other structures, except such temporary structures costing not in excess of $5,000 each as may be incident to current work of said bureau, or for additions and betterments to any existing shore station facilities unless the appropriation shall in terms specifically authorize such construction or additions and betterments. Provided, That nothing herein shall be construed as interfering in any way with any existing contract or any work in progress on the date of the approval of this Act. (July 12, 1921, c. 44, § 1, 42 Stat. 128.)

From the Naval service appropriation act for the year 1922, cited above.

§ 6753c. Restrictions upon appropriations for ordnance or ordnance material or material purchased therewith for Navy—Hereafter no money appropriated for ordnance or ordnance material or material purchased therewith shall be used for any other purpose than that for which the appropriation was made· Provided further, That nothing herein shall be construed as preventing the allocation of armor, armanent, ammunition, ordnance material, equipment, and accessories to ships according to the requirements of the naval service. (July 12, 1921, c. 44, § 1, 42 Stat. 128)

From the Naval service appropriation act for the year 1922, cited above

§ 6760a. Naval supply account fund; deficiencies charged to; balances transferred to; charges against—Deficiencies under appropriations for the naval establishment for the fiscal year 1920 and prior years shall be charged to a naval supply account fund, which is hereby established and to which shall be transferred the unexpended balances of annual appropriations for the naval establishment for the fiscal years 1919 and 1920, after two years from the expiration of the fiscal year for which made, and, out of any funds in the Treasury not otherwise appropriated, an amount equal to the value of all stores in the naval supply account on March 31, 1921, preliminary adjustments on account of stores to be made upon the certificate of the Secretary of the Navy that stores to the value certified are on hand, and from and after said date the naval supply account fund shall be charged with the cost of all stores procured for and credited with the value of all issues or sales made from the naval supply account, necessary adjustments being made on account of outstanding contracts or orders. (March 1, 1921, c. 89, § 1, 41 Stat 1169)

From the "First Deficiency Act, fiscal year 1921," cited above.

§ 6760b. Prices of material expended from naval supply account; issue of certain material at reduced prices—The prices at which material is to be expended from the naval-supply-account shall be fixed by the Paymaster General of the Navy, subject to the approval of the Secretary of the Navy, and materials purchased during the war shall be issued at reduced prices in all cases appropriate, such differences in values and losses to be charged to the respective funds, and hereafter no charges on this account shall be made to naval appropriations. (March 1, 1921, c 89, § 1, 41 Stat. 1170)

From the "First Deficiency Act, fiscal year 1921," cited above

§ 6767a.

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat 901, contains the following provisions "Horses for cavalry, artillery, engineers, and so forth. For the purchase of horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $500,000 Provided, That the number of horses purchased under this appropriation shall be limited to the actual needs of the mounted service, including reasonable provision for remounts. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, within a maximum price to be fixed by the Secretary of War Provided further, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy, except that not to exceed $3,000 of this appropriation shall be available for the purchase of native Chinese horses of specifications to be approved by the Secretary of War for the actual needs of the American Forces in China And provided further, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place· And provided further, That the Secretary of War may, in his discretion, and under such rules and regulations as he may prescribe, accept donations of animals for breeding and donations of money or other property to be used as prizes or awards at agricultural fairs, horse shows, and similar exhibitions, in order to encourage the breeding of riding horses suitable for Army purposes. And provided further, That the Secretary of War shall report annually to Congress, at the commencement of each session, a statement of all expenditures under this appropriation, and full particulars of means adopted and carried into effect for the encouragement of the breeding of riding horses suitable for the military service."

§ 6767c. Cost of transportation of material connected with manufacturing and purchasing activities of Signal Corps, Ordnance Department, etc., charged to appropriations for work in connection with which transportation charges are required—On and after July 1, 1923, the cost of transportation of material in connection with the manufacturing and purchasing activities of the Signal Corps, Ordnance Department, Chemical Warfare Service, Air Service, Medical Department, Engineer Department, and the Coast Artillery Corps, and in connection with the construction and installation of fire-control projects at seacoast fortifications by the Coast Artillery

Corps may be charged to the appropriations for the work in connection with which such transportation charges are required, and the Budget estimates for each of such appropriations shall hereafter carry separately the amounts required for such transportation costs (March 2, 1923 c. 178, title I, 42 Stat. 1391)

From the War Department appropriation act for the year 1924, cited above

§ 6772b. Ordnance material for Navy; issue—Ordnance materials procured under the various Ordnance appropriations shall hereafter be available for issue, to meet the general needs of the naval service, under the appropriation from which procured (July 1, 1918, c 114, 40 Stat. 721)

From the Naval appropriation act for the year 1919, cited above

§ 6774a. Advances from appropriations to Coast and Geodetic Survey—Advances of money from available appropriations hereafter may be made to the Coast and Geodetic Survey and by authority of the superintendent thereof to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of Commerce may direct, and accounts arising under such advances shall be rendered through and by the disbursing officer of the Coast and Geodetic Survey to the Treasury Department as under advances heretofore made to chiefs of parties (July 1, 1918, c. 113, § 1, 40 Stat 688)

From the sundry civil appropriation act for the year 1919, cited above

§ 6774b. Appropriations for Bureau of Fisheries; purchases from—Hereafter the Secretary of Commerce is authorized to purchase, to the extent of not to exceed $5,000, from the appropriations for the Bureau of Fisheries, clothing and small stores for the crews of vessels, to be sold to the employees of said service and the appropriations reimbursed. (July 1, 1918, c 113, § 1, 40 Stat 694)

From the sundry civil appropriation act for the year 1919, cited above

§ 6778aa. Contracts for fuel for public buildings under control of Treasury Department in advance of appropriations—The Secretary of the Treasury is authorized to contract for the purchase of fuel for public buildings under the control of the Treasury Department in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current fiscal year. (Feb. 17, 1922, c. 55, 42 Stat 388. Jan. 3, 1923, c. 22, 42 Stat. 1109 April 4, 1924, c. 84, title I, 43 Stat 83. Jan 22, 1925, c. 87, title I, 43 Stat. 781.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above The same provision is contained in prior acts.

§ 6778b. Contracts for fuel by Secretary of War without regard to current fiscal year—Hereafter when, in the opinion of the Secretary of War, it is in the interest of the United States so to do, he is authorized to enter into contracts and to incur obligations for fuel in sufficient quantities to meet the requirements for one year without regard to the current fiscal year, and payments for supplies delivered under such contracts may be made from funds appropriated for the fiscal year in which the contract is made, or from funds appropriated or which may be appropriated for such supplies for the ensuing fiscal year. (June 30, 1921, c 33, § 1, 42 Stat. 78)

From the Army appropriation act for the year 1922, cited above

§ 6784a. Purchases by department of Commerce—Hereafter section 3683 of the Revised Statutes of the United States shall not be construed to apply to any purchase made by the Department of Commerce when the aggregate amount involved does not exceed the sum of $25 (March 3, 1921, c 124, § 1, 41 Stat 1303)

From the legislative executive and judicial appropriation act for the year 1922 cited above

§ 6787aa. Expenditure from appropriations for private telephone service; when allowed—Hereafter the provisions of section 7 of the Act of August 23, 1912 (Thirty-seventh Statutes at Large, page 414) or any other law, prohibiting the expenditure of public money for telephone services installed in private residences, shall not be construed to apply to or forbid the installation and use of such telephones as the Chief of Engineers may certify to be necessary for the prosecution of Government business and as the Secretary of War may authorize in connection with the construction and operation of locks and dams in the navigable waters of the United States (Sept. 22, 1922, c. 427, § 7, 42 Stat 1042)

This section is § 7 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

§ 6795.

For current appropriation to enable the Secretary of the Treasury to execute and give effect to this section, see Act Jan. 22, 1925, c 87, title I, 43 Stat 780.

§ 6795a. Advances from appropriation "Boundary Line, Alaska and Canada, and the United States and Canada"—Hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties: Provided, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall be allowed actual and necessary expenses of subsistence not in excess of $8 per day. (March 2, 1921, c. 113, § 1, 41 Stat 1210.)

From the Diplomatic and Consular Service appropriation act for the year 1922, cited above The same provisions are contained in prior acts The proviso is also found in the State, Justice and Judiciary appropriation act for the year 1923, Act June 1, 1922, c 204, title I, 42 Stat. 605

For current appropriation for "Boundary Line, Alaska and Canada, and the United States and Canada," see Act Feb 27, 1925, c. 364, title I, 43 Stat. 1020.

PERMANENT ANNUAL APPROPRIATIONS

§ 6798. [Repealed.]

This section, which was R. S. § 3688, was repealed by Act March 3, 1919, c. 100, § 6(b), 40 Stat. 1312.

§ 6799. Permanent indefinite appropriations.

EXECUTIVE

UNDER THE TREASURY DEPARTMENT

(13) [Repealed.]

This paragraph of R. S § 3689, which provided for a fund of one per centum of the entire debt of the United States to be set apart as a sinking fund for the purchase or payment of the public debt, in such manner as the Secretary of the Treasury should from time to time direct, was repealed by Act March 3, 1919, c. 100, § 6(b), 40 Stat. 1312.

(17) [Repealed.]

This paragraph of R S § 3689, was repealed by paragraph (c) of § 1316 of the Revenue Act of 1918, Act Feb. 24, 1919, c 18, 40 Stat 1145, and a substitute therefor provided by said paragraph (c) of said § 1316 Said § 1316 was repealed by § 1400 of the Revenue Act of 1921, ante, § 6371½m, and a substitute therefor provided by § 1317 of said Revenue Act of 1921, post, § 6799a.

For current appropriation for refunding taxes illegally

collected under this paragraph, see Act Jan 20, 1925, c 85 § 1, 43 Stat 737 Said act further provides that a "report shall be made to Congress of the disbursements hereunder as required, * * including the names of all persons and corporations to whom payments are made together with the amount paid to each "

§ 6799a. Repeal of part of R. S. § 3689; estimate of appropriations to refund illegally assessed or collected revenue taxes—The paragraph of section 3689 of the Revised Statutes, as amended, reading as follows "Refunding taxes illegally collected (internal revenue): To refund and pay back duties erroneously or illegally assessed or collected under the internal revenue laws," is repealed from and after June 30, 1920, and the Secretary of the Treasury shall submit for the fiscal year 1921, and annually thereafter, an estimate of appropriations to refund and pay back duties or taxes erroneously or illegally assessed or collected under the internal-revenue laws, and to pay judgments, including interest and costs, rendered for taxes or penalties erroneously or illegally assessed or collected under the internal-revenue laws. (Nov. 23, 1921, c 136, § 1317, 42 Stat 314)

This section is § 1317 of the Revenue Act of 1921, cited above

See, also, ante, note, § 6799, par [17].

§ 6802. [Repealed in part.]

So much of this section (Act June 20, 1874, c. 328, § 5, 18 Stat 110), as excepts appropriations for "fortifications" from its operations was repealed by Act March 3, 1919, c 99, § 6, 40 Stat 1309.

§ 6804. [Repealed in part.]

So much of this section (Act Aug 24, 1912, c 355, § 7, 37 Stat 487), as excepts appropriations for "fortifications" from its operation was repealed by Act March 3, 1919, c 99, § 6, 40 Stat 1309

TITLE XLII—THE PUBLIC DEBT

§ 6810. [Repealed.]

This section, which was R. S. § 3694, was repealed by Act March 3, 1919, c 100, § 6(b), 40 Stat. 1312.

§ 6811. [Repealed.]

This section, which was R S § 3695, was repealed by Act March 3, 1919, c 100, § 6(b), 40 Stat 1312.

§ 6812. [Repealed]

This section, which was R S § 3696, was repealed by Act March 3, 1919, c 100, § 6(b), 40 Stat 1312

§ 6829ee.

There are six of the so-called "Liberty Loan Acts" as follows

Act April 24, 1917, c. 4, 40 Stat. 35, cited as the "First Liberty Bond Act"

Act Sept 24, 1917, c. 56, 40 Stat 288, cited as the "Second Liberty Bond Act"

Act April 4, 1918, c 44, 40 Stat. 502, cited as the "Third Liberty Bond Act"

Act July 9, 1918, c. 142, 40 Stat 844, cited as the "Fourth Liberty Bond Act"

Act Sept 24, 1918, c. 176, 40 Stat 965, cited as the "Supplement to Second Liberty Bond Act"

Act March 3, 1919, c 100, 40 Stat. 1309, cited as the "Victory Liberty Loan Act"

These acts are set forth in U S. Comp St. 1918 and in this supplement as follows

Act April 24, 1917, c 4—Section 1 is § 6829ee, section 2 is § 6829f, section 3 is § 6829ff; section 4 is § 6829g; section 5 is § 6829gg; section 6 is § 6829h, section 7 is § 6829hh, section 8 is § 6829i, and section 9 is § 6829i½.

Act Sept. 24, 1917, c. 56—Section 1 is § 6829ii, section 2 is § 6829j, section 3 is § 6829jj; section 4 is § 6829k, section 5 is § 6829kk, section 6 is § 6829l, section 7 is § 6829ll, section 8 is § 6829m and § 6612a, section 9 is § 6829mm, section 10 is § 6829n, section 11 is § 6829nn and § 6831; section 12 is § 420a, section 13 is § 420b, section 14 is § 6829o; section 15 is § 6829oo; section 16 is § 6829p, section 17 is § 6829pp; and section 18 is § 6829ii

Act April 4, 1918, c. 44—Section 1 amends § 6829ii; section 2 amends § 6829j; section 3 amends § 6829k, section 4 amends § 6829kk; section 5 amends § 6829m, section 6 is § 6829o, § 6829oo, § 6829p, and § 6829pp, section 7 is § 6829i½, and section 8 is § 6829q

Act July 9, 1918, c 142—Section 1 amends § 6829ii, section 2 amends § 6829j, section 3 is § 6829ll, section 4 is § 6829m(½), and section 5 is § 6829qq

Act Sept 24, 1918, c 176—Section 1 is § 6829r, section 2 amends § 6829l section 3 is § 6829m(¼), section 4 is § 6537a, section 5 amends § 3115¾c, section 6 amends § 9761, and section 7 is § 6829qqq

Act March 3, 1919, c 100—Section 1 is § 6829ii, section 2 is § 6829ll(½), section 3 amends § 6829kk, section 4 amends § 6829ll, section 5 is § 6829p(½), section 6 is § 6829p(½), repeals §§ 6798 6810, 6811, 6812, and repeals part of § 6799, section 7 is § 6829jjj, section 8 is § 6829jjjj, section 9 is § 3115¾k(1), section 10 amends § 3115¾hh and section 11 is § 6829qqqq

§ 6829ii. Second, Third, and Fourth Liberty Loans; amount; bonds—The Secretary of the Treasury, with the approval of the President, is hereby authorized to borrow, from time to time, on the credit of the United States for the purposes of this Act, and to meet expenditures authorized for the national security and defense and other public purposes authorized by law, not exceeding in the aggregate $20,000,000,000, and to issue therefor bonds of the United States, in addition to the $2,000,000,000 bonds already issued or offered for subscription under authority of the Act approved April twenty-fourth, nineteen hundred and seventeen, entitled "An Act to authorize an issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes" Provided, That of this sum $3,063,945,460 shall be in lieu of that amount of the unissued bonds authorized by sections one and four of the Act approved April twenty-fourth, nineteen hundred and seventeen, $225,000,000 shall be in lieu of that amount of the unissued bonds authorized by section thirty-nine of the Act approved August fifth, nineteen hundred and nine, $150,000,000 shall be in lieu of the unissued bonds authorized by the joint resolution approved March fourth, nineteen hundred and seventeen, and $100,000,000 shall be in lieu of the unissued bonds authorized by section four hundred of the Act approved March third, nineteen hundred and seventeen

The bonds herein authorized shall be in such form or forms and denomination or denominations and subject to such terms and conditions of issue, conversion, redemption, maturities, payment, and rate or rates of interest, not exceeding four and one-quarter per centum per annum, and time or times of payment of interest, as the Secretary of the Treasury from time to time at or before the issue thereof may prescribe. The principal and interest thereof shall be payable in United States gold coin of the present standard of value.

The bonds herein authorized shall from time to time first be offered at not less than par as a popular loan, under such regulations, prescribed by the Secretary of the Treasury from time to time, as will in his opinion give the people of the United States as nearly as may be an equal opportunity to participate therein, but he may make allotment in full upon applications for smaller amounts of bonds in advance of any date which he may set for the closing of subscriptions and may reject or reduce allotments upon later applications and applications for larger amounts, and may reject or reduce allotments upon applications from incorporated banks and trust companies for their own account and make allotment in full or larger allotments to others, and may establish a graduated scale of allotments, and may from time to time adopt any or all of said methods, should any such action be deemed by him to be in the public interest: Provided, That such reduction or increase of allotments of such bonds shall be made under general rules to be prescribed by said Secretary and shall apply to all subscribers similarly situated. And any portion of the bonds so offered and not taken may be otherwise disposed of by the Secretary of the Treasury in such manner and at such price or prices, not

less than par, as he may determine The Secretary may make special arrangements for subscriptions at not less than par from persons in the military or naval forces of the United States, but any bonds issued to such persons shall be in all respects the same as other bonds of the same issue (Sept 24, 1917, c. 56, § 1, 40 Stat. 288 amended, April 4, 1918, c 44, § 1, 40 Stat 502, and July 9, 1918, c 142, § 1, 40 Stat 844)

This section was again amended by Act July 9, 1918, c. 142, § 1, cited above, by striking out the figures "$12,000,000,000," and substituting therefor the figures "$20,000,000,000"

See, also, note to § 6829ee, ante

§ 6829ii. United States notes. (a) Authority to issue; amount; forms and denominations; interest; payment and redemption—In addition to the bonds and certificates of indebtedness and war-savings certificates authorized by this Act and amendments thereto, the Secretary of the Treasury, with the approval of the President, is authorized to borrow from time to time on the credit of the United States for the purposes of this Act, to provide for the purchase or redemption of any notes issued hereunder, and to meet public expenditures authorized by law, not exceeding in the aggregate $7,500,000,000 at any one time outstanding, and to issue therefor notes of the United States at not less than par in such form or forms and denomination or denominations, containing such terms and conditions, and at such rate or rates of interest, as the Secretary of the Treasury may prescribe, and each series of notes so issued shall be payable at such time not less than one year nor more than five years from the date of its issue as he may prescribe, and may be redeemable before maturity (at the option of the United States) in whole or in part, upon not more than one year's nor less than four months' notice, and under such rules and regulations and during such period as he may prescribe.

(b) Series; exemptions—The notes herein authorized may be issued in any one or more of the following series as the Secretary of the Treasury may prescribe in connection with the issue thereof:

(1) Exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority;

(2) Exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations;

(3) Exempt, both as to principal and interest, as provided in paragraph (2); and with an additional exemption from the taxes referred to in clause (b) of such paragraph, of the interest on an amount of such notes the principal of which does not exceed $30,000, owned by any individual, partnership, association, or corporation; or

(4) Exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) all income, excess-profits, and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations.

(c) Conversion into other series—If the notes authorized under this section are offered in more than one series bearing the same date of issue, the holder of notes of any such series shall (under such rules and regulations as may be prescribed by the Secretary of the Treasury) have the option of having such notes held by him converted at par into notes of any other such series offered bearing the same date of issue.

(d) No circulation privileges; payment in gold coin; "bond" or "bonds" defined—None of the notes authorized by this section shall bear the circulation privilege The principal and interest thereof shall be payable in United States gold coin of the present standard of value The word "bond" or "bonds" where it appears in sections 8, 9, 10, 14, and 15 of this Act as amended, and sections 3702, 3703, 3704 and 3705 of the Revised Statutes, and section 5200 of the Revised Statutes as amended, but in such sections only, shall be deemed to include notes issued under this section (Sept. 24, 1917, c. 56, § 18, added, March 3, 1919, c 100, § 1, 40 Stat. 1309, and amended, Nov. 23, 1921, c. 136, § 1401, 42 Stat. 321.)

This section was again amended by § 1401 of the Revenue Act of 1921, cited above, by striking out, from paragraph (a) thereof, after the words "on the credit of the United States," the words and figures "for the purposes of this act, and to meet public expenditures authorized by law, not exceeding in the aggregate $7,000,000,000," and by inserting in lieu thereof the words and figures "for the purposes of this act, to provide for the purchase or redemption of any notes issued hereunder, and to meet public expenditures authorized by law, not exceeding $7,500,000,000 at any one time outstanding"

For sections 8, 9, and 10 of this act, as amended, referred to in this section, see U S. Comp. St. 1918, §§ 6612a, 6829m, 6829mm, 6829n, 6829o, 6829oo

For R S. §§ 3702, 3703, 3704, 3705, 5200, also referred to in this section, see U. S. Comp. St. 1918, §§ 6817, 6818, 6819, 6820, 9761.

§ 6829j. Establishment of credits for allied foreign governments engaged in war; purchase of obligations of such governments; appropriation—For the purpose of more effectually providing for the national security and defense and prosecuting the war, the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish credits with the United States for any foreign governments then engaged in war with the enemies of the United States and, to the extent of the credits so established from time to time, the Secretary of the Treasury is hereby authorized to purchase, at par, from such foreign governments respectively their several obligations hereafter issued, bearing such rate or rates of interest, maturing at such date or dates, not later than the bonds of the United States then last issued under the authority of this Act, or of such Act approved April twenty-fourth, nineteen hundred and seventeen, and containing such terms and conditions as the Secretary of the Treasury may from time to time determine, or to make advances to or for the account of any such foreign governments and to receive such obligations at par for the amount of any such advances; but the rate or rates of interest borne by any such obligations shall not be less than the highest rate borne by any bonds of the United States which, at the time of the acquisition thereof, shall have been issued under authority of said Act approved April twenty-fourth, nineteen hundred and seventeen, or of this Act, and any such obligations shall contain such provisions as the Secretary of the Treasury may from time to time determine for the conversion of a proportionate part of such obligations into obligations bearing a higher rate of interest if bonds of the United States issued under authority of this Act shall be converted into other bonds of the United States bearing a higher rate of interest, but the rate of interest in such foreign obligations issued upon such conversion shall not be less than the highest rate of interest borne by such bonds of the United States; and the Secretary of the Treasury with the approval of the President, is hereby authorized to enter into

such arrangements from time to time with any such foreign Governments as may be necessary or desirable for establishing such credits and for the payment of such obligations of foreign Governments before maturity For the purposes of this section there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,000,000,000, and in addition thereto the unexpended balance of the appropriations made by section two of said act approved April twenty-fourth, nineteen hundred and seventeen, or so much thereof as may be necessary Provided, That the authority granted by this section to the Secretary of the Treasury to establish credits for foreign Governments, as aforesaid, shall cease upon the termination of the war between the United States and the Imperial German Government. (Sept. 24, 1917, c 56, § 2, 40 Stat. 288, amended, April 4, 1918, c 44, § 2, 40 Stat. 504, and July 9, 1918, c. 142, § 2, 40 Stat. 844)

This section was again amended by Act July 9, 1918, c 142, § 2, cited above, by striking out the figures "$5,500,000,000," and substituting therefor the figures "$7,000,000,000."
See, also, note to § 6829ee, ante.

§ 6829jjj. Establishment of credits for allied foreign governments engaged in war. (a) Additional credits; advances against; obligations of such governments—Until the expiration of eighteen months after the termination of the war between the United States and the German Government, as fixed by proclamation of the President, the Secretary of the Treasury, with the approval of the President, is hereby authorized on behalf of the United States to establish, in addition to the credits authorized by section 2 of the Second Liberty Bond Act, as amended, credits with the United States for any foreign government now engaged in war with the enemies of the United States, for the purpose only of providing for purchases of any property owned directly or indirectly by the United States, not needed by the United States, or of any wheat the price of which has been or may be guaranteed by the United States. To the extent of the credits so established from time to time the Secretary of the Treasury is hereby authorized to make advances to or for the account of any such foreign government and to receive at par from such foreign government for the amount of any such advances its obligations hereafter issued bearing such rate or rates of interest, not less than 5 per centum per annum, maturing at such date or dates, not later than October 15, 1938, and containing such terms and conditions, as the Secretary of the Treasury may from time to time prescribe. The Secretary, with the approval of the President, is hereby authorized to enter into such arrangements from time to time with any such foreign government as may be necessary or desirable for establishing such credits and for the payment of such obligations before maturity.

(b) Conversion of short-time obligations into long-time obligations; interest; payment of obligations—The Secretary of the Treasury is hereby authorized from time to time, to convert any short-time obligations of foreign governments which may be received under the authority of this section into long-time obligations of such foreign governments, respectively, maturing not later than October 15, 1938, and in such form and terms as the Secretary of the Treasury may prescribe; but the rate or rates of interest borne by any such long-time obligations at the time of their acquisition shall not be less than the rate borne by the short-time obligations so converted into such long-time obligations; and, under such terms and conditions as he may from time to time prescribe, to receive payment, on or before maturity, of any obligations of such foreign governments acquired on behalf of the United States under authority of this section, and, with the approval of the President, to sell any of such obligations (but not at less than par with accrued interest unless otherwise hereafter provided by law), and to apply the proceeds thereof, and any payments so received from foreign governments on account of the principal of such obligations, to the redemption or purchase, at not more than par and accrued interest, of any bonds of the United States issued under the authority of the First Liberty Bond Act or Second Liberty Bond Act as amended and supplemented, and if such bonds can not be so redeemed or purchased the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to redemption or which can be purchased at not more than par and accrued interest.

(c) Appropriation—For the purposes of this section there is appropriated the unexpended balance of the appropriations made by section 2 of the First Liberty Bond Act and by section 2 of the Second Liberty Bond Act as amended by the Third Liberty Bond Act and the Fourth Liberty Bond Act, but nothing in this section shall be deemed to prohibit the use of such unexpended balance or any part thereof for the purposes of section 2 of the Second Liberty Bond Act, as so amended, subject to the limitations therein contained (March 3, 1919, c. 100, § 7, 40 Stat. 1312.)

This section is § 7 of an act entitled "An act to amend the Liberty Bond Acts and the War Finance Corporation Act, and for other purposes," cited above.
For section 2 of the Second Liberty Bond Act, referred to in this section, see U. S Comp St. 1918, § 6829j
See, also, note to § 6829ee, ante

§ 6829jjjj. Same; obligations of such governments; maturity—The obligations of foreign governments acquired by the Secretary of the Treasury by virtue of the provisions of the First Liberty Bond Act and the Second Liberty Bond Act, and amendments and supplements thereto, shall mature at such dates as shall be determined by the Secretary of the Treasury: Provided, That such obligations acquired by virtue of the provisions of the First Liberty Bond Act, or through the conversion of short-time obligations acquired under such Act, shall mature not later than June 15, 1947, and all other such obligations of foreign governments shall mature not later than October 15, 1938. (March 3, 1919, c. 100, § 8, 40 Stat. 1313)

This section is § 8 of an act entitled "An act to amend the Liberty Bond Acts and the War Finance Corporation Act, and for other purposes," cited above.
See, also, note to § 6829ee, ante.

§ 6829k(½). First and Second Liberty Loans; bonds; conversion into bonds bearing higher interest rate; extension of time for—The privilege of converting 4 per centum bonds of the First Liberty Loan converted and 4 per centum bonds of the Second Liberty Loan into 4¼ per centum bonds, which privilege arose on May 9, 1918, and expired on November 9, 1918, may be extended by the Secretary of the Treasury for such period, upon such terms and conditions and subject to such rules and regulations, as he may prescribe. For the purpose of computing the amount of interest payable, bonds presented for conversion under any such extension shall be deemed to be converted on the dates for the payment of the semiannual interest on the respective bonds so presented for conversion next succeeding the date of such presentation. (March 3, 1919, c. 100, § 5, 40 Stat. 1311.)

This section is § 5 of an act entitled "An act to amend the Liberty Bond Acts and the War Finance Corporation Act, and for other purposes," cited above.
See, also, note to § 6829ee, ante.

§ 6829kk. Second and Third Liberty Loans; additional loans; certificates of indebtedness—In addition to the bonds authorized by section one of this Act the Secretary of the Treasury is authorized

to borrow from time to time, on the credit of the United States, for the purposes of this Act and to meet public expenditures authorized by law such sum or sums as in his judgment may be necessary, and to issue therefor certificates of indebtedness of the United States at not less than par in such form or forms and subject to such terms and conditions and at such rate or rates of interest as he may prescribe, and each certificate so issued shall be payable at such time not exceeding one year from the date of its issue, and may be redeemable before maturity upon such terms and conditions, and the interest accruing thereon shall be payable at such time or times as the Secretary of the Treasury may prescribe The sum of such certificates outstanding hereunder and under section six of said Act approved April twenty-fourth nineteen hundred and seventeen, shall not at any time exceed in the aggregate $10,000,000,000. (Sept 24, 1917, c 56, § 5, 40 Stat. 290, amended, April 4, 1918, c 44, § 4, 40 Stat 504, and March 3, 1919, c. 100, § 3, 40 Stat 1311.)

This section was again amended by Act March 3, 1919, c 100, § 3, cited above, by changing the amount of the certificates of indebtedness authorized to be issued from $8,000,000,000 to $10,000,000,000
See, also, note to § 6829ee, ante

§ 6829*l*. Second and Third Liberty Loans; additional loans; war-savings certificates—In addition to the bonds authorized by section one of this Act and the certificates of indebtedness authorized by section five of this Act, the Secretary of the Treasury is authorized to borrow from time to time, on the credit of the United States, for the purposes of this Act and to meet public expenditures authorized by law, such sum or sums as in his judgment may be necessary and to issue therefor, at such price or prices and upon such terms and conditions as he may determine, war-savings certificates of the United States on which interest to maturity may be discounted in advance at such rate or rates and computed in such manner as he may prescribe. Such war-savings certificate shall be in such form or forms and subject to such terms and conditions, and may have such provisions for payment thereof before maturity as the Secretary of the Treasury may prescribe. Each war-savings certificate so issued shall be payable at such time, not exceeding five years from the date of its issue, and may be redeemable before maturity, upon such terms and conditions as the Secretary of the Treasury may prescribe. The sum of such war-savings certificates outstanding shall not at any one time exceed in the aggregate $4,000,000,000 It shall not be lawful for any one person at any one time to hold war-savings certificates of any one series to an aggregate amount exceeding $5,000. The Secretary of the Treasury may, under such regulations and upon such terms and conditions as he may prescribe, issue, or cause to be issued, stamps to evidence payments for or on account of such certificates. (Sept. 24, 1917, c. 56, § 6, 40 Stat 291, amended Sept. 24, 1918, c. 176, § 2, 40 Stat. 966, and Nov. 23, 1921, c. 136, § 1402, 42 Stat 321.)

This section was amended by Act Sept. 24, 1918, c. 176, § 2, cited above, by striking out from the section, as originally enacted, the figures "$2,000,000,000," and by inserting in lieu thereof the figures "$4,000,000,000," and by striking out the next to the last sentence, which read as follows "The amount of war-savings certificates sold to any one person at any one time shall not exceed $100, and it shall not be lawful for any one person at any one time to hold war-savings certificates to an aggregate amount exceeding $1,000"—and by inserting in lieu thereof the sentence as set forth above, so as to make the section read as set forth above. See, also, note to § 6829ee, ante It was again amended by § 1402 of the Revenue Act of 1921, cited above, by striking out, at the end of the next to the last sentence thereof, the figures "$1,000," and inserting in lieu thereof the figures, "$5,000."

§ 6829*l*(½). Expenses of sale and distribution of war savings and thrift stamps—The Secretary of the Treasury is authorized and directed to advance to the Postmaster General from the appropriation for expenses of preparation and issuance of war savings stamps such sums as may be necessary to meet the expenses of the Post Office Department for clerical service and other necessary expenditures in connection with the distribution, sale, and keeping of accounts of war savings and thrift stamps (Nov. 4, 1918, c 201, § 1, 40 Stat. 1035)

From the "First Deficiency Appropriation Act 1919," cited above

§ 6829*ll*(½). First, Second, Third, and Fourth Liberty Loans; bonds; exemption from taxation—(a) Until the expiration of five years after the date of the termination of the war between the United States and the German Government, as fixed by proclamation of the President, in addition to the exemptions provided in section 7 of the Second Liberty Bond Act in respect to the interest on an amount of bonds and certificates, authorized by such Act and amendments thereto, the principal of which does not exceed in the aggregate $5,000 and in addition to all other exemptions provided in the Second Liberty Bond Act or the Supplement to Second Liberty Bond Act, the interest received on and after January 1 1919, on an amount of bonds of the First Liberty Loan Converted, dated November 15, 1917, May 9, 1918, or October 24, 1918, the Second Liberty Loan converted and unconverted, the Third Liberty Loan and the Fourth Liberty Loan, the principal of which does not exceed $30,000 in the aggregate, owned by any individual, partnership, association, or corporation, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations or corporations.

(b) In addition to the exemption provided in subdivision (a), and in addition to the other exemptions therein referred to, the interest received on and after January 1, 1919, on an amount of the bonds therein specified the principal of which does not exceed $20,000 in the aggregate, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes therein specified: Provided, That no owner of such bonds shall be entitled to such exemption in respect to the interest on an aggregate principal amount of such bonds exceeding three times the principal amount of notes of the Victory Liberty Loan originally subscribed for by such owner and still owned by him at the date of his tax return (March 3, 1919, c. 100, § 2, 40 Stat. 1310)

This section is § 2 of an act entitled "An act to amend the Liberty Bond Acts and the War Finance Corporation Act, and for other purposes," cited above
For section 7 of the Second Liberty Bond act, referred to in this section, see U S Comp St 1918, § 6829*ll*
See, also, note to § 6829ee, ante

§ 6829*ll*(¾). Consolidation of Liberty bond tax exemptions—(a) On and after January 1, 1921, 4 per centum and 4¼ per centum Liberty bonds shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States upon the income or profits of individuals, partnerships, corporations, or associations, in respect to the interest on aggregate principal amounts thereof as follows:

Until the expiration of two years after the date of the termination of the war between the United States and the German Government, as fixed by proclamation of the President, on $125,000 aggregate principal amount; and for three years more on $50,000 aggregate principal amount.

(b) The exemptions provided in subdivision (a) shall be in addition to the exemptions provided in section 7 of the Second Liberty Bond Act, and in addition to the

exemption provided in subdivision (3) of section 1 of the Supplement to the Second Liberty Bond Act in respect to bonds issued upon conversion of 3½ per centum bonds, but shall be in lieu of the exemptions provided and free from the conditions and limitations imposed in subdivisions (1) and (2) of section 1 of the Supplement to the Second Liberty Bond Act and in section 2 of the Victory Liberty Loan Act. (June 2, 1924, 4·01 p m, c 234, § 1028, 43 Stat. 349)

This section is § 1028 of Title X of the Revenue Act of 1924, cited above
Section 1328 of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 317), for which this section is a substitute, was repealed by § 1100 of the Revenue Act of 1924, ante, § 6371⅝t.

§ 6829*lll*. Bonds and certificates of indebtedness beneficially owned by non-resident aliens not engaged in business in United States exempt from taxation—Notwithstanding the provisions of the Second Liberty Bond Act or of the War Finance Corporation Act or of any other Act, bonds, notes, and certificates of indebtedness of the United States and bonds of the War Finance Corporation shall, while beneficially owned by a nonresident alien individual, or a foreign corporation, partnership, or association, not engaged in business in the United States, be exempt both as to principal and interest from any and all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States or by any local taxing authority (July 9, 1918, c. 142, § 3, 40 Stat 845, amended, March 3, 1919, c 100, § 4, 40 Stat 1311)

This section was amended by Act March 3, 1919, c 100, § 4, cited above, to read as set forth above Prior to this amendment the section read as follows
'Notwithstanding the provisions of the Second Liberty Bond Act, as amended by the Third Liberty Bond Act, or of the War Finance Corporation Act, bonds and certificates of indebtedness of the United States payable in any foreign money or foreign moneys, and bonds of the War Finance Corporation payable in any foreign money or foreign moneys exclusively or in the alternative, shall, if and to the extent expressed in such bonds at the time of their issue, with the approval of the Secretary of the Treasury, while beneficially owned by a nonresident alien individual, or by a foreign corporation, partnership, or association, not engaged in business in the United States, be exempt both as to principal and interest from any and all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority."
See, also, note to § 6829ee, ante

§ 6829m(¼). Second and Third Liberty Loans; deposit of payments of war-profits taxes—The provisions of section 8 of the Second Liberty Bond Act, as amended by the Third Liberty Bond Act, shall apply to the proceeds arising from the payment of war-profits taxes as well as income and excess profits taxes. (Sept. 24, 1918, c 176, § 3, 40 Stat. 966.)

This section is § 3 of an act entitled "An act to supplement the Second Liberty Bond Act, as amended, and for other purposes," cited above
See, also, note to § 6829ee, ante.

§ 6829m(½). Fiscal agents—Any incorporated bank or trust company designated as a depositary by the Secretary of the Treasury under the authority conferred by section eight of the Second Liberty Bond Act, as amended by the Third Liberty Bond Act, which gives security for such deposits as, and to amounts, by him prescribed, may, upon and subject to such terms and conditions as the Secretary of the Treasury may prescribe, act as a fiscal agent of the United States in connection with the operations of selling and delivering any bonds, certificates of indebtedness or war savings certificates of the United States. (July 9, 1918, c. 142, § 4, 40 Stat. 845.)

This section is section 4 of Act July 9, 1918, c. 142, cited above., See, also, notes to §§ 6829ee, 6829*lll*, ante.

§ 6829p(⅛). First, Second, Third, and Fourth Liberty Bond Acts and Victory Liberty Loan Act; sinking fund for retirement of bonds and notes—(a) There is hereby created in the Treasury a cumulative sinking fund for the retirement of bonds and notes issued under the First Liberty Bond Act, the Second Liberty Bond Act, the Third Liberty Bond Act, the Fourth Liberty Bond Act, or under this Act and outstanding on July 1, 1920, and of bonds and notes thereafter issued, under any of such Acts or under any of such Acts as amended, for refunding purposes The sinking fund and all additions thereto are hereby appropriated for the payment of such bonds and notes at maturity, or for the redemption or purchase thereof before maturity by the Secretary of the Treasury at such prices and upon such terms and conditions as he shall prescribe, and shall be available until all such bonds and notes are retired The average cost of the bonds and notes purchased shall not exceed par and accrued interest Bonds and notes purchased, redeemed, or paid out of the sinking fund shall be canceled and retired and shall not be reissued For the fiscal year beginning July 1, 1920, and for each fiscal year thereafter, until all such bonds and notes are retired there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of such sinking fund, an amount equal to the sum of (1) 2½ per centum of the aggregate amount of such bonds and notes outstanding on July 1, 1920, less an amount equal to the par amount of any obligations of foreign Governments held by the United States on July 1, 1920, and (2) the interest which would have been payable during the fiscal year for which the appropriation is made on the bonds and notes purchased, redeemed, or paid out of the sinking fund during such year or in previous years

The Secretary of the Treasury shall submit to Congress at the beginning of each regular session a separate annual report of the action taken under the authority contained in this section (March 3, 1919, c. 100, § 6, 40 Stat. 1311, amended, March 2, 1923, c 179, 42 Stat 1427.)

This section is a part of § 6 of an act entitled "An act to amend the Liberty Bond Acts, and the War Finance Corporation Act, and for other purposes," cited above It was amended by Act March 2, 1923, c 179, 42 Stat 1427, cited above, by inserting at the end of the first sentence, after the words and figures "and outstanding on July 1, 1920," the words "and of bonds and notes thereafter issued," etc, to the end of the sentence as set forth above. See, also, note to § 6829ee, ante

§ 6829qq. Short title of act—The short title of this Act shall be "Fourth Liberty Bond Act." (July 9, 1918, c 142, § 5, 40 Stat. 845.)

This section is section 5 of Act July 9, 1918, c. 142, cited above See note to § 6829ee, ante

§ 6829qqq. Short title of Act—The short title of this Act shall be "Supplement to Second Liberty Bond Act." (Sept. 24, 1918, c. 176, § 7, 40 Stat. 967)

This section is § 7 of an act entitled "An act to supplement the Second Liberty Bond Act, as amended, and for other purposes," cited above Section 1 of said act is set forth post, § 6829r, section 2 amends § 6829*l*, ante section 3 is set forth ante, § 6829m(¼), section 4 is set forth ante, § 6537a, section 5 amends § 3115½c, ante and section 6 amends § 9761, post. See, also, note to § 6829ee, ante

§ 6829qqqq. Short title of Act—The short title of this Act shall be "Victory Liberty Loan Act." (March 3, 1919, c. 100, § 11, 40 Stat. 1314.)

This section is § 11 of an act entitled "An act to amend the Liberty Bond Acts and the War Finance Corporation Act, and for other purposes," cited above
See, also, note to § 6829ee, ante.

§ 6829r. Interest on Liberty Loan bonds exempt from certain taxes—Until the expiration of two years after the date of the termination of the war between the United States and the Imperial German Government, as fixed by proclamation of the President—

(1) The interest on an amount of bonds of the Fourth Liberty Loan the principal of which does not

exceed $30 000, owned by any individual partnership, association, or corporation, shall be exempt from graduated additional income taxes, commonly known as surtaxes, and excess profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations or corporations;

(2) The interest received after January 1, 1918, on an amount of bonds of the First Liberty Loan Converted, dated either November 15, 1917, or May 9, 1918, the Second Liberty Loan, converted and unconverted, and the Third Liberty Loan, the principal of which does not exceed $45,000 in the aggregate, owned by any individual, partnership, association, or corporation, shall be exempt from such taxes: Provided, however, That no owner of such bonds shall be entitled to such exemption in respect to the interest on an aggregate principal amount of such bonds exceeding one and one-half times the principal amount of bonds of the Fourth Liberty Loan originally subscribed for by such owner and still owned by him at the date of his tax return, and

(3) The interest on an amount of bonds, the principal of which does not exceed $30,000, owned by any individual, partnership, association, or corporation, issued upon conversion of 3½ per centum bonds of the First Liberty Loan in the exercise of any privilege arising as a consequence of the issue of bonds of the Fourth Liberty Loan, shall be exempt from such taxes.

The exemptions provided in this section shall be in addition to the exemption provided in section 7 of the Second Liberty Bond Act in respect to the interest on an amount of bonds and certificates, authorized by such Act and amendments thereto, the principal of which does not exceed in the aggregate $5,000, and in addition to all other exemptions provided in the Second Liberty Bond Act. (Sept. 24, 1918, c. 176, § 1, 40 Stat. 965)

See notes to §§ 6829ee, 6829qqq, ante.

§ 6829s. First and second Liberty Bonds; appropriations for expense of available for subsequent public debt issues—The appropriation for "Expenses of loans" contained in section 8 of the First Liberty Bond Act and in section 10 of the Second Liberty Bond Act, as amended, is hereby made applicable to any operations arising in connection with any public debt issues made subsequently to June 30, 1921, pursuant to the authority contained in the First Liberty Bond Act or the Second Liberty Bond Act, as amended and supplemented, the provisions of the Legislative, Executive, and Judicial Appropriation Act, approved May 29, 1920, to the contrary notwithstanding: Provided, That with respect to operations on account of any such issue hereafter made such appropriations shall be available only until the close of the fiscal year next following the fiscal year in which such issue was made. (June 16, 1921, c. 23, § 1, 42 Stat. 36.)

From the "Second Deficiency Act, fiscal year 1921," cited above. For section 8 of the First Liberty Bond Act and section 10 of the "Second Liberty Bond Act," see U. S. Comp. St. 1918, §§ 6829i, 6829n.

§ 6831a. Appropriations for expenses of loans; estimates of appropriations required—The appropriations "Expenses of Loans, Act of April 24, 1917," and "Expenses of Loans, Act of September 24, 1917, as amended," shall not be available for obligation after June 30, 1921, and the unexpended balances of such appropriations which remain upon the books of the Treasury Department on June 30, 1922, shall be covered into the Treasury and carried to the surplus fund: Provided, That for the fiscal year 1922 and annually thereafter estimates of appropriations shall be submitted to Congress in the manner prescribed by law for expenses arising in connection with the loans authorized by the various Liberty Bond Acts and the Victory Liberty Loan Act. (May 29, 1920, c. 214, § 1, 41 Stat. 646.)

From the legislative executive, and judicial appropriation act for the year 1921 cited above

The appropriation provided for by this section is not to be used during the fiscal year 1926 to supplement the appropriation made for the current work of the Public Debt Service, by a provision in the Treasury and Post Office Departments appropriation act for the year 1926, Act Jan 22, 1925, c 87, title I, 43 Stat. 768

TITLE XLIII—PUBLIC CONTRACTS

§ 6832.

Act Jan 27, 1925, c 101, 43 Stat 793 entitled "An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin," reads as follows

"That section 2 of the Act approved March 28, 1908 (Thirty-Fifth Statutes at Large, page 51), entitled 'An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin,' be, and is hereby, amended to authorize the making of contracts with white men for any work connected with the logging and milling operations on the said reservation, to authorize the employment of white men by Indian contractors, and to exempt from the requirements of sections 3709 and 3744 of the Revised Statutes all contracts for labor or supplies necessary for the carrying on of such operations"

§ 6832a. Selection and purchase of motor ambulances for Army without advertisement—The Secretary of War may, in his discretion, select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and materials for the Army. (June 5, 1920, c. 240, 41 Stat. 967.)

From the Army appropriation act for the year 1921, cited above It has been repeated in prior acts.

§ 6833.

For restrictions on, and methods of purchasing typewriting machines from appropriations for the year 1926, similar to those contained in prior appropriation acts, see Act Jan 22, 1925, c 87, title I, 43 Stat 766

The Legislative appropriation act for the year 1926, Act March 4, 1925, c 549, § 1, 43 Stat 1296, 1301, contains the following provisions:

'Capitol Buildings and Grounds * * The foregoing appropriations under the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910, concerning purchases for executive departments.

"Office of Superintendent of Documents * * Purchases may be made from the foregoing appropriations under the 'Government Printing Office,' as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910, concerning purchases for executive departments."

§ 6836b. Purchase of supplies or procurement of services for Bureau of Mines outside District of Columbia not exceeding $50—The purchase of supplies and equipment or the procurement of services for the Bureau of Mines outside of the District of Columbia, hereafter may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50 (July 1, 1918, c. 113, § 1, 40 Stat. 672.)

From the sundry civil appropriation act for the year 1919, cited above.

§ 6836bb. Purchase of emergency supplies in District of Columbia—To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, in the discretion of the Commissioners, * *: Provided, That in the purchase of all articles provided for in this Act no more than the market price shall be paid for any such articles, and all bids for any such articles above the market price shall be rejected and new bids received or purchases made in open market, as may be most economical and advantageous to the District of Columbia. (June 29, 1922, c. 249, § 1, 42

Stat. 697. Feb. 28, 1923, c. 148, § 1, 42 Stat 1335. June 7, 1924, c 302, § 1, 43 Stat 545 March 3, 1925, c. 477, § 1, 43 Stat 1222)

From the District of Columbia appropriation act for the year 1925, cited above Similar provisions are contained in prior acts

§ 6836c. Purchase of supplies or procurement of services for Reclamation Service not exceeding $50—Hereafter the purchase of supplies and the procurement of services for the Reclamation Service may be made in open market in the manner common among business men, without advertising and formal contract, when the aggregate of the amount required does not exceed $50, and when, in the opinion of the Director of the Reclamation Service, such limitations of amount are not designed to evade the purchase of supplies and the procurement of services under advertising and formal contract, and equally or more advantageous terms can thereby be secured. (July 1, 1918, c. 113, § 1, 40 Stat 675)

From the sundry civil appropriation act for the year 1919, cited above

§ 6836d. Purchase of supplies or procurement of services for Coast and Geodetic Survey not exceeding $50—Coast and Geodetic Survey. * * * Hereafter the purchase of supplies or the procurement of services outside the District of Columbia may be made in the open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50. (July 1, 1918, c 113, § 1, 40 Stat. 688.)

From the sundry civil appropriation act for the year 1919, cited above

§ 6836e. Purchases or services for Department of Commerce not exceeding $25—Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Commerce when the aggregate amount involved does not exceed the sum of $25. (March 1, 1919, c. 86, § 1, 40 Stat. 1262.)

From the legislative, executive, and judicial appropriation act for the year 1920, cited above. It supersedes a provision to the same effect in Act July 3, 1918, c 130, § 1, 40 Stat 809, which was effective only during the "present war"

§ 6836f. Purchases or services for Department of Labor not exceeding $25—Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $25. (March 1, 1919, c. 86, § 1, 40 Stat. 1264.)

From the legislative, executive, and judicial appropriation act for the year 1920, cited above. It supersedes a provision to the same effect in Act July 3, 1918, c. 130, § 1, 40 Stat 812, which was effective only during the "present war."

§ 6836g. Purchases or services for Department of Justice not exceeding $25—Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Justice when the aggregate amount involved does not exceed the sum of $25. (May 29, 1920, c. 214, § 1, 41 Stat. 677.)

From the legislative, executive, and judicial appropriation act for the year 1921, cited above

§ 6836h. Purchases for Botanic Garden not exceeding $25—The sum of $25 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 4 of the Act approved June 17, 1910, concerning purchases for executive departments and other governmental establishments in Washington. (March 20, 1922, c. 103, 42 Stat. 431. Feb. 20, 1923, c. 98, 42 Stat. 1275. June 7, 1924, c. 303, § 1, 43 Stat 588 March 4, 1925, c 549, § 1, 43 Stat. 1297)

From the legislative appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 6836i. Purchase of supplies for Senate and House of Representatives—Hereafter supplies for use of the Senate and the House of Representatives may be purchased in accordance with the schedule of contract articles and prices of the General Supply Committee authorized by section 4 of the Act approved June 17, 1910, concerning the purchase of supplies for the executive departments and other Government establishments in Washington (June 5, 1920, c. 253, § 1, 41 Stat. 1036)

From the third deficiency appropriation act for the year 1920, cited above

§ 6836j. Purchase of paper, envelopes, etc., for stationery rooms of Senate and House of Representatives—Paper, envelopes, and blank-books required by the stationery rooms of the Senate and House of Representatives for sale to Senators and Members for official use may be purchased from the Public Printer at actual cost thereof and payment therefor shall be made before delivery (June 5, 1920, c 253, § 1, 41 Stat. 1036)

From the third deficiency appropriation act for the year 1920, cited above

§ 6836k. Purchase of supplies and equipment or procurement of services for bureaus and offices of Interior Department—The purchase of supplies and equipment or the procurement of services for the Department of the Interior, the bureaus and offices thereof, including Howard University and the Columbia Institution for the Deaf, at the seat of government, as well as those located in the field outside the District of Columbia, may be made in open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $100 in any instance. (May 24, 1922, c. 199, 42 Stat. 553 Jan. 24, 1923, c. 42, 42 Stat. 1176. June 5, 1924, c. 264, 43 Stat. 392. March 3, 1925, c. 462, 43 Stat. 1143)

From the Interior Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 6836l. Purchases by Civil Service Commission—Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase made by the Civil Service Commission when the aggregate amount involved does not exceed the sum of $25. (June 12, 1922, c. 218, 42 Stat. 638.)

From the Executive and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1923, cited above.

§ 6836m. Purchase of supplies or procurement of services for National Park Service—Hereafter the purchase of supplies or the procurement of services by the National Park Service outside the District of Columbia may be made in open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States in the manner common among business men, when the aggregate amount of the purchase or service does not exceed $50. (Jan. 24, 1923, c. 42, 42 Stat. 1215.)

From the Interior Department appropriation act for the year 1924, cited above.

§ 6836n. Purchase of supplies or procurement of services for United States Veterans' Bureau—Hereafter section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered in the United States Veterans' Bureau when the aggregate amount

olved does not exceed the sum of $50. (Feb 13, '3, c 72, 42 Stat. 1244.)

From the Executive office and independent executive bureaus, boards, commissions and offices for the year 1924, cited above.

6848a. Purchases of horses for cavalry, artillery, and engineers—Horses for cavalry, artillery, gineers, and so forth. * * When practicable, ses shall be purchased in open market at all mili y posts or stations, when needed, within a maxi m price to be fixed by the Secretary of War. ne 30, 1922, c. 253, title I, 42 Stat. 731)

From the War Department appropriation act for the year 1923, cited above. The same provision is contained in prior acts

6854a. Orders for ordnance material deemed ligations—All orders or contracts for manufacture material pertaining to approved projects, which are ced with arsenals or other ordnance establishments i which are chargeable to armament of fortifica ns appropriations, shall be considered as obliga ns in all respects in the same manner as provided similar orders placed with commercial manufac ers (May 21, 1920, c. 194, § 6, 41 Stat 613.)

This section is § 6 of the fortifications appropriation for the fiscal year 1921, cited above

6854aa. Orders or contracts for material ced with Government-owned establishments med obligations—All orders or contracts for the nufacture of material pertaining to appropriate jects heretofore or hereafter placed with Govern nt-owned establishments shall be considered as igations in the same manner as provided for similar lers placed with commercial manufacturers and the propriations shall remain available for the payment the obligations so created as in the case of con cts or orders with commercial manufacturers. ne 5, 1920, c. 240, 41 Stat. 975.)

From the Army appropriation act for the year 1921, cited above

6854b. Purchase or manufacture of stores or terials or performance of services by bureau department for another bureau or depart nt; funds for—Whenever any government bureau department procures, by purchase or manufacture, res or materials of any kind, or performs any serv for another bureau or department, the funds of bureau or department for which the stores or ma ials are to be procured or the service performed y be placed subject to the requisitions of the bu u or department making the procurement or per ming the service for direct expenditure: Provided, at funds so placed with the procuring bureau shall main available for a period of two years for the rposes for which the allocation was made unless ner expended (May 21, 1920, c. 194, § 7, 41 Stat.)

This section is § 7 of the fortifications act for the fiscal year 1921, cited above.

6856. Printing for quartermasters' Depart nt—No part of the appropriations for the Quar master Corps shall be expended on printing un s the same shall be done at the Government Print Office, or by contract after due notice and com tition, except in such cases as the emergency will admit of the giving notice of competition, and in es where it is impracticable to have the necessary nting done by contract the same may be done, with approval of the Secretary of War, by the purchase material and hire of the necessary labor for the pose. (July 9, 1918, c. 143, 40 Stat. 857.)

From the Army appropriation act for the year 1919, cited above. It supersedes a similar provision of Act March 28, 1918, c. 28, § 1, 40 Stat. 476.

6861a. Purchase of supplies for departments of instruction, Military Academy—All technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best. (June 30, 1922, c. 253, title I, 42 Stat. 753. March 2, 1923, c 178, title I, 42 Stat 1414)

From the War Department appropriation act for the year 1924, cited above The same provision is contained in prior acts.

§ 6885b. Disposition of typewriting machines—Hereafter no department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years (June 5, 1920, c. 235, § 7, 41 Stat 947)

This section is § 7 of the sundry civil appropriation act for the fiscal year 1921, cited above A somewhat similar provision is contained in § 4 of Act May 29, 1920, c. 214, 41 Stat 689, as follows "Hereafter no typewriter that has been used less than three years shall be sold, exchanged, or given as part payment for another typewriter"

§ 6895.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c 462, 43 Stat 1155, contains the following provisions: 'Bureau of Indian Affairs * * Education * * Not more than $350,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required for compliance with section 3744 of the Revised Statutes And provided further, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made"

See note to § 6832, ante

§ 6895a. Contracts for Air Service; writing and signing—Hereafter whenever contracts which are not to be performed within six months are made on behalf of the Government by the Chief of Air Service or by officers of the Air Service authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief of Air Service. (June 30, 1922, c. 253, title I, 42 Stat 737.)

From the War Department appropriation act for the year 1923, cited above

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TITLE XLIII A—PUBLIC BUILDINGS AND WORKS

§ 6902.

For current appropriation for American Battle Monument Commission, see Act March 3, 1925, c 468, § 1, 43 Stat 1199 Section 3 of said act reads as follows "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 6902a. Custom-house wharf at Charleston, South Carolina—That the United States customhouse wharf at Charleston, South Carolina, be, and the same is hereby, transferred from the custody and control of the Treasury Department to that of the War De-

partment, and that all branches of the public service now using said wharf shall be permitted to continue their use of the same. (Jan. 11, 1922, c 27, 42 Stat. 356)

This is an act entitled "An act to transfer the custody and control of the customhouse wharf at Charleston, South Carolina, from the Treasury Department to the War Department," cited above

§ 6905.

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 235, title I, 43 Stat 907, contains the following provision following an appropriation for the McCook Aviation Field, at Dayton, Ohio "The limitations contained in sections 1136 and 3734 of the Revised Statutes shall not apply to the work connected with this project" * *

§ 6911aa. Condemnation of timber, sawmills, camps, logging roads, and other supplies; sale of lands acquired or products—That the Act entitled "An Act to authorize condemnation proceedings of lands for military purposes," approved July second, nineteen hundred and seventeen, as amended by an Act approved April eleventh, nineteen hundred and eighteen be, and the same is hereby, amended, and its provisions in all respects together with all its privileges and benefits are hereby extended to the right of condemnation of standing or fallen timber, sawmills, camps, machinery, logging roads, rights of way, equipment, materials, supplies, and any works, property, or appliances suitable for the effectual production of such lumber and timber products, for the Army, Navy, United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation That the right to institute such condemnation proceedings is hereby conferred upon the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, individually or collectively Such right of condemnation shall be exercised by such officials only for the purpose of obtaining such property when needed for the production, manufacture, or building aircraft, dry-docks, or vessels, their apparel or furniture, for housing of Government employees in connection with the Army, Navy, or the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, and for the procurement of materials and equipment for aircraft, dry-docks and vessels. The jurisdiction of such condemnation proceedings is hereby vested in the District Courts of the United States, where the property which is sought to be condemned or any part thereof is located or situated, regardless of the value of the same.

And the President is hereby authorized through any department or the United States Shipping Board or said Fleet Corporation to sell and dispose of any lands or interests in real estate acquired for the production of lumber and timber products, and to sell any logs, manufactured or partly manufactured or otherwise procured for the Army, Navy, or United States Shipping Board Emergency Fleet Corporation, or resulting from such manufacture or procurement, either to individuals, corporations or foreign states or governments, at such price as he shall determine acting through his above representatives selling or disposing of the same, and the proceeds of such sale shall be returned to the appropriations which bore the expense of such procurement (July 9, 1918, c. 143, subchapter XV, § 8, 40 Stat 888.)

This section is a part of the Army appropriation act for the fiscal year 1919, cited above. The act referred to is Act July 2, 1917, c 35, 40 Stat. 241, as amended by Act April 11, 1918, c 51, 40 Stat 518.

§ 6923.

Provisions for deposit of Liberty Bonds and other United States bonds in lieu of surety bonds, see § 3301a, ante.

§ 6923a. Relief of certain contractors and sub-contractors for losses due to increased costs—The Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse contractors and their subcontractors, including material men, for the construction, improvement, special repair, equipment, or furnishing of post offices and other buildings or work under the supervision of the Treasury Department (as well as the United States courthouse in the District of Columbia and the approaches and retaining wall to the Lincoln Memorial in the District of Columbia) whose contracts were awarded or whose bids as thereafter accepted were mailed or delivered to the proper governmental authority prior to the entrance of the United States into the war with Germany, to wit April 6, 1917 and whose contracts have been or will be completed after said date for loss due directly to increased costs thereafter arising, due either, first, to increased cost of labor or materials, or, second, to delay on account of the action of the United States Priority Board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by them in the fulfillment of such contracts by reason of war conditions alone Provided, That any subcontractor may submit his claim through the contractor or to the Secretary of the Treasury. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this Act. Provided further, That no claims for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this Act. And provided further, That in no case shall the contractor or subcontractor be reimbursed to an extent greater than is sufficient to cover his actual increased cost in fulfilling his contract or subcontract, exclusive of any and all profits to such contractor or subcontractor, nor shall such reimbursement include any advances or payments made by the sureties of such contractor or subcontractor in executing the work, but the surety on any contract coming within the provisions of this Act who, as surety, has completed, or may complete, the work of any defaulting contractor on any such contract, or who has furnished financial assistance to a failing contractor on any such contract whereby such contractor has been enabled to complete such contract, may file claim, within the period hereinbefore fixed, and be reimbursed in the manner hereinbefore provided for the increased cost due to the causes hereinbefore specified of the labor and material supplied in so completing any such contract, or for the increased cost of the labor and material paid for from funds so furnished by such surety And provided further, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based. (Aug. 25, 1919, c. 52, 41 Stat. 281)

This is an act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," cited above.

§ 6923b. Same; payments—Relief of contractors: Toward the amount necessary for the payment of claims of contractors, and so forth, arising under the Act entitled "An Act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, * *: Provided, That the Secretary of the Treasury is authorized to make partial payments of any claim payable under said Act, and to make payment of any and all loss and expense (ex-

clusive of profits) incurred by a contractor or subcontractor in fulfilling his contract or subcontract with the Treasury Department in excess of the amount which such contractor or subcontractor may receive under the terms of his contract or subcontract if such loss and expense were, in the opinion of the Secretary of the Treasury, due to war conditions. (March 6, 1920, c. 94, § 1, 41 Stat. 507.)

From the deficiency appropriation act for the year 1920, and prior years, cited above

§ 6932a. Lease of buildings for military purposes—In time of war, or when war is imminent, the Secretary of War is hereby authorized, in his discretion, to rent or lease any building or part of building in the District of Columbia that may be required for military purposes. (July 9, 1918, c. 143, 40 Stat. 861.)

From the Army appropriation act for the year 1919, cited above

§ 6933c. Requisition of buildings in District of Columbia by Secretary of War—The Secretary of War is authorized, for the official purposes of the War Department, and within the limits of the appropriations for rent made by this or any other Act making appropriations for the War Department, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government, and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of such amount and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation for such use in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five, of the Judicial Code. (July 8, 1918, c. 139, § 1, 40 Stat. 826.)

From the deficiency appropriation act on account of war expenses for the year ending June 30, 1918, accompanying an appropriation for rent of buildings in the District of Columbia for the War Department, cited above.

§ 6937a. Old furniture to be used—All furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far practicable, whether it corresponds with the present regulation plan for furniture or not. (Feb. 17, 1922, c. 55, 42 Stat. 387. Jan. 3, 1923, c. 22, 42 Stat. 1108. April 4, 1924, c. 84, title I, 43 Stat. 82. Act Jan. 22, 1925, c. 87, title I, 43 Stat. 781.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 6940a. Special police; appointment; powers—The officer in charge of public buildings and grounds, in his discretion, may appoint special policemen, without compensation, for duty in connection with the policing of the public parks and other reservations under his jurisdiction within the District of Columbia, such special policemen to have the same powers and perform the same duties as the United States park police and the Metropolitan police of said District of Columbia, and to be subject to such regulations as the Chief of Engineers may prescribe: Provided, That the jurisdiction and police power of such special policemen shall be restricted to the public parks and other reservations under the control of the officer in charge of public buildings and grounds. (May 27, 1924, c. 199, § 9, 43 Stat. 176.)

This section is section 9 of an act entitled "An act to fix the salaries of officers and members of the Metropolitan Police Force, the United States park police force, and the fire department of the District of Columbia," cited above.

TITLE XLIV—THE PUBLIC PROPERTY

§ 6941aa. Sale of war supplies—That the President be, and he hereby is, authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material and equipment, and any by-products thereof, and any building, plant or factory, acquired since April sixth, nineteen hundred and seventeen, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the present emergency, may have or may hereafter be purchased, acquired, or manufactured by the United States: Provided further, That sales of guns and ammunition made under the authority contained in this or any other Act shall be limited to sales to other departments of the Government and to foreign States or Governments engaged in war against any Government with which the United States is at war, and to members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice: Provided further, That a detailed report shall be made to Congress on the first day of each regular session of the sales of any war supplies, material, lands, factories, or buildings, and equipment made under the authority contained in this or any other Act, except sales made to any foreign State or Government engaged in war against any Government with which the United States is at war, showing the character of the articles sold, to whom sold, the price received therefor, and the purpose for which sold. (July 9, 1918, c. 143, 40 Stat. 850, repealed in part Feb. 25, 1919, c. 39, § 3, 40 Stat. 1173.)

This section was repealed in part by Act Feb. 25, 1919, c. 39, § 3, cited above. Said repeal consisted in striking from the end of the section the following proviso "Provided, That any moneys received by the United States as the proceeds of any such sale shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold, and the same shall immediately become available for the purposes named in the original appropriation."

§ 6941aaa. Sale or lease of real property acquired for army storage purposes—The President is hereby authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to sell or lease real property or any interest therein or appurtenant thereto acquired by the United States of America since April 6, 1917, for storage purposes for the use of the Army, which in the judgment of the President or the head of such department is no longer needed for use by the United States of America, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate any such sale or lease. (July 11, 1919, c. 8, subchapter II, 41 Stat. 129.)

This section, and the section next following, are a part of the army appropriation act, for the fiscal year 1920, cited above.

§ 6941aaaa. Same; disposition of proceeds—All moneys received by the United States as the proceeds of any such sale or lease shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts" and a full report of the same shall be submitted annually to Congress. (July 11, 1919, c. 8, subchapter II, 41 Stat. 130.)

See note to § 6941aaa, ante

§ 6941b. Transfer of ammunition—That the Secretary of War be, and he is hereby, authorized to

turn over on request from other executive departments of the Government, in his discretion, from time to time, without charge therefor such ammunition, explosives, and other ammunition components as may prove to be or shall become surplus or unsuitable for the purposes of the War Department and as shall be suitable for use in the proper activities of other executive departments (July 11, 1919, c. 8, subchapter IV, 41 Stat 130)

From the Army appropriation act for the year 1920, cited above

§ 6941bb. Transfer of explosives to Interior Department—The Secretary of War is authorized to transfer, without charge, to the Secretary of the Interior for use of the Interior Department, explosives and explosive material for which the War Department has no further use (July 19, 1919, c. 24, § 1, 41 Stat. 193)

From the sundry civil appropriation act for the year 1920, cited above.

§ 6941c. Sale of surplus motor trucks and automobiles—In addition to the delivery of the property heretofore authorized, to be delivered to the Public Health Service, the Department of Agriculture and the Post Office Department of the Government, the Secretary of War be, and he is hereby, authorized to sell any surplus supplies including motor trucks and automobiles now owned by and in the possession of the Government for the use of the War Department to any State or municipal subdivision thereof, or to any corporation or individual upon such terms as may be deemed best. (July 11, 1919, c. 8, 41 Stat. 105)

From the Army appropriation act for the year 1920, cited above.

§ 6941d. Purchase of material and supplies from Government services—The heads of the several executive departments and other responsible officials, in expending appropriations contained in this or any other Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the articles described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. And articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: Provided, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities (July 11, 1919, c. 6, § 5, 41 Stat. 67)

This section is § 5 of the deficiency appropriation act for the year 1919, and prior years, cited above

The War Department appropriation act for the year 1926, Act Feb 12, 1925, c 225, title I, 43 Stat 894, provides as follows "None of the funds appropriated in this Act shall be used for the payment of expenses connected with the transfer of surplus property of the War Department to any other activity of the Government where the articles or lots of articles to be transferred are located at any place at which the total surplus quantities of the same commodity are so small that their transfer would not, in the opinion of the Secretary of War, be economical"

The District of Columbia appropriation act for the year 1926, Act March 3, 1925, c 477, § 6, 43 Stat 1251, reads as follows "That the commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required because of the cessation of war activities It shall be the duty of the commissioners and other officials, before purchasing any of the articles described herein, to ascertain from the Government of the United States whether it has articles of the character described that are serviceable And articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage The various services of the Government of the United States are authorized to sell such articles to the municipal government under the conditions specified and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts Provided, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities"

§ 6941dd. Disposition of typewriters and computing machines transferred to General Supply Committee—Typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially. (Feb. 17, 1922, c. 55, 42 Stat 369 Jan 3, 1923, c. 22, 42 Stat 1090. April 4, 1924, c. 84, title I, 43 Stat. 67. Jan. 22, 1925, c. 87, title I, 43 Stat 766.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above preceded by a provision continuing in force until June 30, 1926, the executive order of Dec 3, 1918 The same provision is contained in prior acts

§ 6941ddd. Repairs to typewriting machines in District of Columbia—Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the General Supply Committee, payment therefor to be effected by transfer and counter warrant, charging the proper appropriation and crediting the appropriation "General Supply Committee, Transfer of Office Material, Supplies, and Equipment." (Feb 17, 1922, c. 55, 42 Stat. 369. Jan 3, 1923, c. 22, 42 Stat. 1090. April 4, 1924, c. 84, title I, 43 Stat. 67. Jan 22, 1925, c. 87, title I, 43 Stat. 766.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 6941e. Sale of machine tools to trade, technical, and public schools and universities; conditions—That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 15 per centum of their cost to trade, technical, and public schools and universities, and other recognized educational institutions, upon application in writing, such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses, except cost of transportation, incident to distribution of the tools, and the balance shall be turned into the Treasury of the United States as miscellaneous receipts: Provided, That in the event any such material is offered for sale by said institutions without the consent in writing of the Secretary of War, title thereto shall revert to the United States. (Nov. 19, 1919, c. 118, 41 Stat. 360)

This is an act entitled "An Act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use

for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions and for other purposes" cited above

§ 6941ee. Sale of dental outfits—The Secretary of War is hereby authorized and directed to sell at public or private sale, under such rules and regulations as he may prescribe, all dental outfits in excess of the needs of the Government, preferentially to persons who served in the Army, Navy, Marine Corps Coast Guard, or the American Red Cross of the United States during the recent war and who are at the time of such sale licensed to practice dentistry, but not more than one set of dental supplies shall be sold at private sale to any one person (April 17, 1920, c 150, 41 Stat 554)

This section is a resolution entitled a "Joint Resolution authorizing the Secretary of War to dispose of surplus dental outfits," cited above.

§ 6941eee. Transfer of motor vehicles to branches of Government service; payment for from appropriations—The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: Provided, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: Provided further, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: Provided further, That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law shall be made free of charge to any branch of the Government service. (July 19, 1919, c 24, § 5, 41 Stat 233.)

From the sundry civil appropriation act for the year 1920, cited above.

§ 6941f. Transfer of motor-propelled vehicles and equipment belonging to Military Establishment to Department of Agriculture, Post Office Department, and Treasury Department; purposes of—That the Secretary of War be, and he is hereby, authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department, for the fiscal year 1920, and for other purposes": Provided, however, That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this Act shall be transferred to the Department of Agriculture for the purposes named in section 7 of said Act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer; (b) the Post Office Department for use in the transmission of mails, and (c) the Treasury Department, for the use of the Public Health Service under the provisions of section 3 of the Act approved March 3, 1919, entitled "An Act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines." (March 15, 1920, c. 100, § 1, 41 Stat. 530.)

This section, and the five sections next following, are an act entitled "An act to authorize the Secretary of War to transfer certain surplus motor-propelled vehicles and motor equipment and road-making material to various services and departments of the government, and for the use of the states," cited above See, also, post, § 7477k.

§ 6941g. Transfer to Department of Agriculture of certain war material, equipment, and supplies for improvement of highways and roads—The Secretary of War is hereby authorized and directed to transfer to the Department of Agriculture, under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes." for use in the improvement of highways and roads, as therein provided, following war material, equipment, and supplies pertaining to the Military establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers, derricks, pile-driver outfits complete; air and steam drill outfits, centrifugal and diaphragm pumps with power, rock crushers, clamshell and orange-peel buckets. road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants, steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers, drag, Fresno, and wheel scrapers. stump pullers; wheelbarrows, screening plants; wagon loaders, blasting machines; hoisting cable, air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment, conveyors, gravity and power: donkey engines, corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes (March 15, 1920, c. 100, § 2, 41 Stat. 530)

See note to § 6941f, ante

The Army appropriation act for the year 1922, Act June 30, 1921, c. 33, § 1, 42 Stat 81, contains the following provision: "The Secretary of War is authorized and directed to sell or to dispose of by transfer to the Department of Agriculture under existing laws, for its own use and the use of the several States, in road work and maintenance of roads so many motor trucks and passenger-carrying automobiles as will, in addition to such trucks and automobiles as have been sold or transferred since January 1, 1921, aggregate during the first nine months of the calendar year, ten thousand motor trucks and two thousand passenger-carrying automobiles"

§ 6941h. Transfer of telephone supplies to Department of Agriculture for use of Forest Service—The Secretary of War is also hereby authorized and directed to transfer to the Department of Agriculture, for the use of the Forest Service, such telephone supplies pertaining to the Military Establishment which have been found to be surplus and no longer required for military purposes and are needed for the present use of the said service. (March 15, 1920, c. 100, § 3, 41 Stat. 531.)

See note to § 6941f, ante.

§ 6941i. Freight charges on property transferred; payment by States for property received—Freight charges incurred in the transfer of the property provided for in this Act shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: Provided, however, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, pay to the Department of Agriculture the amount of 20 per centum of the esti-

mated value of said property, as fixed by the Secretary of Agriculture or under his direction, against which sum the said State may set off all freight charges paid by it on the shipment of said property, not to exceed, however, said 20 per centum (March 15, 1920, c. 100, § 4, 41 Stat 531)

See note to § 6941f, ante

§ 6941j. Title to property transferred to States—The title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways and no such vehicles and equipment in serviceable condition shall be sold or the title to the same transferred to any individual company, or corporation: Provided, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment. (March 15, 1920, c 100, § 5, 41 Stat. 531)

See note to § 6941f, ante

§ 6941k. Act July 16, 1914, c. 141, § 5, not applicable—The provisions of the Act of July 16, 1914 (Thirty-eighth Statutes, page 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles in the absence of specific statutory authority, shall not apply to vehicles transferred, or hereafter to be transferred, by the Secretary of War to the Department of Agriculture for the use of the Department under the provisions of this Act, or under the provisions of section 7 of the Act of February 28, 1919, referred to in section 1 hereof: Provided, however, That nothing in this Act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, except as to direction for the transfer of those articles enumerated in section 2 hereof. (March 15, 1920, c. 100, § 6, 41 Stat. 531)

For Act July 16, 1914, c 141, § 5, referred to in this section, see U S Comp St 1918, § 3238a.
See note to § 6941f, ante

§ 6941kk. Loan to states of tractors not distributed under Act March 15, 1920, c. 100—That the Secretary of War be, and he is hereby, authorized and empowered, at his discretion, and under such rules and regulations as he may prescribe, to loan to any State of the Union, when so requested by the highway department of the State, such tractors as are retained and not distributed under the Act approved March 15, 1920, for use in highway construction by the highway department of such State: Provided, That all expenses for repairs and upkeep of tractors so loaned and the expenses of loading and freight shall be paid by the State, both in transfer to the State and the return to the Army. (March 1, 1921, c 88, § 2, 41 Stat. 1155.)

From the postal service appropriation act for the year 1922, cited above. The same provision is contained in prior acts.

§ 6941l. Sale of nitrate of soda—In order to meet the existing emergency in the shortage of fertilizers the Secretary of War is hereby authorized to sell for cash at the prevailing market price, at the time of the sale thereof, to such distributors or users thereof, in the United States, as shall request the same, and in such quantity to each, not less than one ton nor more than one hundred tons to any purchaser, as he shall see fit, not to exceed in the aggregate one hundred thousand tons of nitrate of soda, now held as a reserve supply of the War Department, the proceeds of such sale to be repaid to the proper item of the current appropriations originally made for such purposes: Provided That the Secretary of War shall report to Congress not later than December 6, 1920, the names of all purchasers of said nitrate of soda, together with the prices for which sold (April 23, 1920, c. 159, 41 Stat 573.)

This section is a resolution entitled a "Joint Resolution authorizing the Secretary of War to turn over to agricultural fertilizer-distributors or users a supply of nitrate of soda," cited above

§ 6941m. Transfer of motor vehicles, aeroplanes, machinery, and tools to Postmaster General for use in Postal Service—The Secretary of War is authorized hereafter, in his discretion, to deliver and turn over to the Postmaster General, without charge therefor, from time to time, such motor vehicles aeroplanes, and parts thereof, and machinery and tools to repair and maintain the same, as may be suitable for use in the Postal Service; and the Postmaster General is authorized to use the same in the transportation of the mails and to pay the necessary expenses thereof, including the replacement, maintenance, exchange, and repair of such equipment, out of any appropriation available for the service in which such vehicles or aeroplanes are used. (April 24, 1920, c. 161, § 3, 41 Stat 583)

This section is § 3 of the postal service appropriation act for the fiscal year 1921, cited above

§ 6941n. Transfer of material to Chief of Engineers—That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, to the Chief of Engineers, United States Army, for use in the execution, under his direction, of any civil work or works authorized by Congress, such material, supplies, instruments, vehicles, machinery, or other equipment pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes. (June 5, 1920, c 252, § 8, 41 Stat. 1015.)

This section is § 8 of the rivers and harbors appropriation act for the fiscal year 1921, cited above.

§ 6941o. Equipment for Metropolitan Police—The War Department may, in its discretion, furnish the commissioners, for use of the police, upon requisition, such worn mounted equipment as may be required. (June 29, 1922, c. 249, § 1, 42 Stat. 692. Feb. 28, 1923, c. 148, § 1, 42 Stat. 1349 June 7, 1924, c. 302, § 1, 43 Stat. 560 March 3, 1925, c 477, § 1, 43 Stat. 1235.)

From the District of Columbia appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 6941p. Sale of material, supplies, or equipment of Military Establishment to States or Foreign Governments—That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell to any State or foreign Government with which the United States is at peace at the time of the passage of this Act, upon such terms as he may deem expedient, any matériel, supplies, or equipment pertaining to the Military Establishment, except foodstuffs, as, or may hereafter be found to be surplus, which are not needed for military purposes and for which there is no adequate domestic market. (June 5, 1920, c. 240, 41 Stat. 949.)

From the Army appropriation act for the year 1921, cited above.

§ 6941pp. Sale of food stuffs to foreign States or Governments—The Secretary of War is hereby authorized, in his discretion to sell to any foreign

State or Government with which the United States is at peace, upon such terms as he may deem expedient, any foodstuffs now on hand and found to be surplus, which are not needed for military purposes, or which are likely to spoil, and for which there is no adequate domestic market. (June 30, 1922, c. 253, title I 42 Stat 717)

From the War Department appropriation act for the year 1923, cited above. The same provision is contained in prior acts.

§ 6952½. Distribution of captured war devices and trophies; method of distribution; exceptions—That the Secretary of War be, and he is hereby, authorized and directed to apportion and distribute pro rata among the several States and Territories, and possessions of the United States and the District of Columbia in corresponding ratio as the total number of men serving in the armed forces of the United States, as hereinafter provided, from each State, Territory, or possession of the United States and the District of Columbia bears to the total number of men so serving from all States Territories, possessions, and the District of Columbia, all guns and howitzers with their respective carriages, machine guns, and other war devices and trophies suitable for distribution and captured by or surrendered to the armed forces of the United States from the armed forces of Germany and allied nations, with the exception of such guns, howitzers, carriages, machine guns, and other war devices and trophies as may be required for experimental purposes, or for actual use by the armed forces of the United States, and the further exception of such of the devices aforementioned as may be required for display in national museums, at national homes for disabled volunteer soldiers, or for monumental purposes in Arlington National Cemetery and in other national cemeteries, national parks, and national monuments wheresoever situated (June 7, 1924, c. 312, § 1, 43 Stat. 597)

This section, and the five sections next following, are an act entitled "An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia," cited above

§ 6952½a. Same; basis of distribution; notice to states, etc.—For the purposes of this Act the reports heretofore compiled under the direction of the Secretary of War showing the number of men in the armed forces of the United States accredited to each State, Territory, and possession of the United States, and to the District of Columbia, either by enlistment or by the process of the Selective Service Act, or otherwise drawn into and becoming an integral part of the armed forces of the United States during the period April 7, 1917, to November 11, 1918, and the allotment of war trophies suitable for distribution among the several States, Territories, and possessions, and the District of Columbia, shall serve as the basis of distribution. As soon as practicable after the date upon which this Act shall become effective the Secretary of War shall cause the chief executive of each of the several States, Territories, and possessions, and the Commissioners of the District of Columbia to be informed of the character and quantity of war devices and trophies apportioned thereto, and shall invite each such chief executive and the Commissioners of the District of Columbia to designate such material as will be accepted free on board common carrier at the point of storage and to designate the point or points to which the accepted material is to be shipped without expense to the United States, other than that of packing and loading at the point of storage. (June 7, 1924, c. 312, § 2, 43 Stat. 597)

See note to § 6952½, ante.

§ 6952½b. Same; shipments; how made—Shipment of the apportionment of each State, Territory, and possession, and the District of Columbia accepted shall be made as soon as practicable after the chief executive, or the commissioners thereof, as the case may require, shall have informed the Secretary of War that such State, Territory, possession, or District will accept and take possession thereof as hereinbefore provided for and will relieve the United States of all responsibility for the safe delivery of the material and of all charges, costs, and expenses whatsoever connected with the transportation thereof Provided, That if the chief executive or the commissioners of any State, Territory, possession, or District, shall not, within one year after notification of the character and quantity of the apportionment, file with the Secretary of War such acceptance and agreement, such apportionment, or any part thereof, shall be sold as surplus property as it then is and where it then is, or shall be destroyed—all as the Secretary of War, in his discretion, shall determine; and like action shall be taken in respect of the rejected portion of any apportionment accepted in part only, and war devices and trophies considered by the Secretary of War as unsuitable for distribution. (June 7, 1924, c. 312, § 3, 43 Stat. 598.)

See note to § 6952½, ante

§ 6952½c. Same; charges for shipment—All charges for apportioning, segregating, packing, and loading war trophies and devices for distribution to the designated point or points within each of the several States, Territories, and possessions, and the District of Columbia, as provided for herein, and for transportation to national museums, national homes for disabled volunteer soldiers, national cemeteries, and national parks, and for the disposition of undistributed war devices and trophies shall be paid by the United States Government from an appropriation to be made for that purpose. (June 7, 1924, c. 312, § 4, 43 Stat. 598.)

See note to § 6952½, ante

§ 6952½d. Same; rules and regulations—That the Secretary of War be, and he is hereby, authorized to make all rules and regulations to carry this Act into effect. (June 7, 1924, c. 312, § 5, 43 Stat. 598)

See note to § 6952½, ante

§ 6952½e. Same; appropriation—To enable the Secretary of War to carry out the provisions of this Act there is hereby authorized to be appropriated out of any money in the United States Treasury not otherwise appropriated, the sum of $39,000, or so much thereof as may be necessary: Provided, That none of said sum shall be expended in cleaning, painting, or otherwise reconditioning war devices and trophies prior to shipment. (June 7, 1924, c. 312, § 6, 43 Stat. 598.)

See note to § 6952½, ante.

TITLE XLV—PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS

§ 6953a. Employés of Joint Committee on Printing—The following positions and annual (except where specified otherwise) rates of compensation are hereby established * *

Joint Committee on Printing. Clerk, $4,000; inspector, $2,490; stenographer, $1,740. (May 24, 1924, c. 183, § 1, 43 Stat. 149.)

This section is a part of § 1 of an act entitled "An act to fix the compensation of officers and employees of the Legislative Branch of the Government," cited above. Section 2 of this act provides that the act shall take effect July 1, 1924.

§ 6955. (Par. 1.) Joint Committee on Public Printing; remedying neglect or delay in public printing—The Joint Committee on Printing shall have power to adopt and employ such measures as in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications (March 1, 1919, c 86, § 11, 40 Stat 1270)

This section is a part of § 11 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, cited above It supersedes a somewhat similar provision of Act Jan 12, 1895, c 23, § 2, 28 Stat 601, as amended by Act March 1, 1907, c 2284, § 1 34 Stat 1012, which read as follows "The Joint Committee on Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing and binding"

§ 6957. Standards of paper; standards; advertisements for proposals; samples—The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer shall, under their direction, advertise in one newspaper or trade journal published in each of six cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing And the Public Printer shall furnish samples of the standard of papers fixed upon to applicants therefor who shall desire to bid. (Jan. 12, 1895, c. 23, § 3, 28 Stat 601, amended, March 3, 1925, c 421, § 1, 43 Stat. 1105.)

This section was amended by Act March 3, 1925, c 421, § 1, cited above, to read as set forth above.

§ 6971a. Bond of Public Printer—The Public Printer shall give a bond in the sum of $25.000 for the faithful performance of his duties. * * (Feb. 20, 1923, c. 98, 42 Stat. 1278.)

From the Legislative appropriation act for the year 1924, cited above.

§ 6983.

For current appropriation for the office of Public Printer—Public Printer, $6,000, Deputy Public Printer, $4,500, for personal service in accordance with The Classification Act of 1923, see Act March 4, 1925, c. 549, § 1, 43 Stat 1349

For current appropriation for the office of Superintendent of Documents—Superintendent of Documents, assistant superintendent, and other personal services in accordance with The Classification Act of 1923, see Act March 4, 1925, c 549, § 1, 43 Stat 1300

Section 3 of said Act March 4, 1925, c 549, 43 Stat 1301, reads as follows. "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 6983a. Apprentices—The Public Printer may hereafter employ such number of apprentices (not to exceed two hundred at any one time) as in his judgment will be consistent with the economical service of the office. (Feb. 20, 1923, c. 98, 42 Stat. 1278.)

From the Legislative appropriation act for the fiscal year 1924, cited above.

§ 6986a. Disbursing clerk; duties—The disbursing clerk of the Government Printing Office hereafter shall be charged with the receipt and disbursement of all moneys for said office in accordance with the provisions of law relating to the Public Printer and other disbursing officers of the Government, under such bond and rules as the Secretary of the Treasury shall prescribe. * * (Feb 20, 1923, c 98, 42 Stat 1278)

From the Legislative appropriation act for the year 1924, cited above

§ 7000a. Compensation of certain operatives—From and after the passage of this Act the compensation of all printer-linotype operators, printer-monotype-keyboard operators, makers-up, proofreaders, and pressmen employed in the Government Printing Office shall be at the rate of 65 cents per hour for the time actually employed, and that the pay of all compositors, bookbinders, and bookbinder-machine operators employed in the Government Printing Office shall be at the rate of 60 cents per hour for the time actually employed: Provided, That employees of the Government Printing Office whose wages are increased by the provisions of this Act shall be paid at the rates provided for herein during the period of the present war and for six months after the proclamation of peace, when the wages paid such employees shall thereafter be at the rates paid at the time of the passage of this Act, unless otherwise provided by law. (July 8, 1918, c. 139, § 1, 40 Stat 836.)

From the deficiency appropriation act on account of war expenses for the year ending June 30, 1918, cited above

§ 7000b. Compensation of certain operatives—On and after the passage of this Act the pay of all printers, printer linotype operators, printer monotype keyboard operators, makers-up, copy editors, proofreaders, bookbinders, bookbinder-machine operators, and pressmen employed in the Government Printing Office shall be at the rate of 75 cents per hour for the time actually employed. (Aug. 2, 1919, c. 30, 41 Stat. 272)

This section is an act entitled "An act increasing the pay of printers and pressmen employed in the Government Printing office, and for other purposes," cited above

§ 7000c. Employment by Public Printer of employés; pay—On and after July 1, 1924, the Public Printer may employ, at such rates of wages and salaries, including compensation for night and overtime work, as he may deem for the interest of the Government and just to the persons employed, except as otherwise provided herein, such journeymen, apprentices, laborers, and other persons as may be necessary for the work of the Government Printing Office, but he shall not, at any time, employ more persons than the necessities of the public work may require or more than two hundred apprentices at any one time: Provided, that on and after July 1, 1924, the minimum pay of all journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed: Provided further, That except as hereinbefore provided, the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing; if the Public Printer and the committee representing any trade fail to agree as to wages, salaries, and compensation either party is hereby granted the right of appeal to the Joint Committee on Printing, and the decision of said committee shall be final; the wages, salaries, and compensation determined as provided herein shall not be subject to change oftener than once a year thereafter: Provided further, That employees and officers of the Government Printing Office, unless otherwise herein fixed, shall continue to be paid at the rates of wages, salaries, and compensation (including

night rate) now authorized by law until such time as their wages, salaries, and compensation shall be determined as hereinbefore provided. (June 7, 1924, c. 354, § 1, 43 Stat 658)

This section is § 1 of an act entitled "An act to regulate and fix rates of pay for employés and officers of the Government Printing Office," cited above. Section 2 repeals all conflicting acts or parts of acts

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c 556, § 1, 43 Stat 1240 contains the following provision "For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the same objects specified under this head in the Treasury and Post Office Departments Appropriation Acts for the fiscal years that follow" * *

§ 7000d. Compensation to employees in office of Superintendent of Documents for night, Sunday, holiday, and overtime work—Employees in the Office of the Superintendent of Documents may be paid compensation for night, Sunday, holiday, and overtime work at rates not in excess of the rates of additional compensation for such work allowed to other employees of the Government Printing Office under the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office," approved June 7, 1924. (March 4, 1925, c. 549, § 1, 43 Stat. 1300.)

From the Legislative appropriation act for the year 1926, cited above

§ 7024a. Distribution of Congressional documents and reports—Hereafter, in the printing of House and Senate numbered documents and reports, there shall be distributed, unbound, to the House Document Room not to exceed 500 copies. (March 3, 1925, c. 421, § 6. 43 Stat. 1106)

This section is section 6 of an act entitled "An act to amend the Printing Act, approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes," cited above

§ 7027a. Publications for Library of Congress—Hereafter there shall be printed and delivered to the Library of Congress for its own use and for international exchange 125 copies in lieu of the number now provided by law. (March 3, 1925, c. 421, § 7, 43 Stat 1106.)

This section is section 7 of an act entitled "An act to amend the Printing Act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes," cited above.

§ 7051. Allotments of public documents printed after expiration of term of office of Congressmen; rights of retiring Congressmen to documents—The congressional allotment of public documents printed after the expiration of the term of office of any Senator, Representative, or Delegate shall be delivered to his or her successor in office.

Any Senator, Representative, or Delegate having public documents to his credit at the expiration of his term of office shall take the same prior to the convening of the next succeeding Congress, and if he shall not do so within such period he shall forfeit them to his or her successor in office. (Jan. 12, 1895, c. 23, § 72, 28 Stat. 612, amended, March 18, 1924, c. 60, 43 Stat. 24.)

This section was amended by Act March 18, 1924, c 60, 43 Stat 24, cited above, by adding the first paragraph, and by inserting, after the words "shall forfeit them to his," the words "or her."

§ 7086a. Illustrations accompanying bound copies of memorial addresses—The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall hereafter be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress (March 4, 1921, c 161, § 1, 41 Stat 1431)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts

§ 7089. [Repealed in part]

So much of this section (Act Jan 12, 1895, c 23, § 73, 28 Stat 617), and all acts or parts of acts amendatory thereof or supplemental thereto, as provide for the preparation and printing of abridgment of messages and documents annually, are repealed by Act March 3, 1925, c 421, § 5, 43 Stat. 1106.

§ 7092. [Repealed]

See § 7092a, post, and note thereunder.

§ 7092a. Official Register—(a) The Director of the Census shall cause to be compiled, edited, indexed and published, on or before the first Monday in October of each year an Official Register of the United States which shall contain a full and complete list of all persons occupying administrative and supervisory positions in each executive and judicial department of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The Register shall show the name; official title, salary, compensation and emoluments, legal residence and place of employment for each person listed therein. Provided however, That the Official Register shall not contain the name of any postmaster, assistant postmaster or officer of the Army, Navy and Marine Corps.

(b) To enable the Director of the Census to compile and publish the Official Register of the United States, the Executive Office, the judiciary, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment and commission of the Government shall, as of the 1st day of July of each year, supply to the Director of the Census the data required by this section, upon forms approved and furnished by him, in due time to permit the publication of the Official Register as herein provided, and no extra compensation shall be allowed to any officer, clerk, or employee of the Bureau of the Census for compiling the Official Register.

(c) Of the Official Register there shall be printed and bound a sufficient number of copies for the following distribution to be made by the Superintendent of Documents: To the President of the United States, four copies, one copy of which shall be for the library of the Executive Office; to the Vice President of the United States, 2 copies; to each Senator, Representative, Delegate and Resident Commissioner in Congress, three copies; to the Secretary and the Sergeant at Arms of the Senate and to the Clerk, the Sergeant at Arms, and the Doorkeeper of the House, one copy each; to the library of the Senate and the House, each, not to exceed fifteen copies; to the Library of Congress, twenty-five copies, and to the Commissioners of the District of Columbia, 10 copies The usual number of the Official Register shall not be printed.

(d) That Section 510 of the Revised Statutes of the United States, and all acts or parts of acts amendatory thereof or supplemental thereto, be, and the same are hereby, repealed. (March 3, 1925, c. 421, § 2, 43 Stat. 1105)

This section is section 2 of an act entitled "An act to amend the Printing Act approved January 12, 1895, by discontinuing the printing of certain Government publications, and for other purposes," cited above

§ 7093(69-77). Patent Office printing.

3. Official Gazette

The Official Gazette of the United States Patent Office in numbers sufficient to supply all who shall subscribe therefor at $5 per annum; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator, Representative, and Delegate in Congress;

also to supply one copy to eight such public libraries having over one thousand volumes, exclusive of Government publications, as shall be designated by each Senator, Representative, and Delegate in Congress, with one hundred additional copies together with weekly, monthly, and annual indexes for all the same; of the Official Gazette the "usual number" shall not be printed (Jan 12, 1895, c 23, § 73, 28 Stat 619, 620, amended, Feb 18, 1922, c 58, § 4, 42 Stat 391.)

This paragraph was amended by Act Feb 18 1922, c 58, § 4, 42 Stat 391, cited above, by striking out, after the words "together with," the words "bimonthly and annual indexes," and inserting in lieu thereof the words "weekly, monthly, and annual indexes"

§ 7093a. Distribution of geological publications and Official Gazette of Patent Office to libraries discontinued—Hereafter the distribution of geological publications and the Official Gazette of the United States Patent Office to libraries designated as special depositories of such publications shall be discontinued. (June 7, 1924, c. 303, § 1, 43 Stat. 592)

From the legislative appropriation act for the year 1925, cited above

§ 7098a.

Act June 25, 1910, c. 384, 36 Stat 766 contained the following provision, following an appropriation for the compiler of the Navy Year Book "Hereafter said Navy Year Book shall be prepared and published for each calendar year and distributed for each calendar year and distributed as other public documents, and six thousand additional copies shall be printed and bound in cloth and distributed as follows One thousand five hundred for the Senate, three thousand for the House of Representatives, one thousand for the Navy Department, and five hundred for the Committee on Naval Affairs of Senate and House" This provision is expressly repealed by § 3 of Act March 3, 1925, c 421, 43 Stat 1106, which reads as follows "That so much of the Sundry Civil Appropriation Act for 1911 (36 Stats at Large, p 766), approved June 25, 1910, and all acts or parts of acts amendatory thereof or supplemental thereto, as provides for the compilation and printing of the Navy Yearbook, be, and the same are hereby, repealed"

§ 7126a. Exchange of Congressional Record for Parliamentary Hansard—The Librarian of Congress is hereby authorized to furnish a copy of the daily and bound Congressional Record to the Under Secretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State. (April 10, 1912, No. 14, 37 Stat. 632.)

This section is a resolution entitled a "Joint Resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound Congressional Record to the Under Secretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard," cited above.

§ 7135a. Bulletins of Surgeon General of Army for instruction of medical officers—The sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War. * * (June 30, 1922, c. 253, title I, 42 Stat 717. March 2, 1923, c. 178, title I, 42 Stat 1378 June 7, 1924, c. 291, title I, 43 Stat. 478. Feb. 12, 1925, c. 225, title I, 43 Stat. 893)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts

§ 7163. [Repealed in part.]

So much of this section (Act Jan. 12, 1895, c 23, § 89, 28 Stat 622), and all acts or parts of acts amendatory thereof or supplemental thereto, as limit the number of reports and documents that may be printed for official use to 1,000 copies, are repealed by Act March 3, 1925, c. 421, § 4, 43 Stat. 1106.

§ 7169a. Annual reports of executive officers; type—The annual reports of executive officers shall be printed in the same type and form as the report of the head of the Department which it accompanies, unless otherwise ordered by the Joint Committee on Printing. (Jan. 12, 1895, c. 23 § 91, 28 Stat. 623.)

This section is section 91 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above

§ 7172a. Printing for Supreme Court of United States—For printing and binding for the Supreme Court of the United States, * * and the printing and binding for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order (June 1, 1922, c. 204, title II, 42 Stat 614. Jan 3, 1923, c 21, title II, 42 Stat. 1081 May 28, 1924, c 204, title II, 43 Stat. 218. Feb 27, 1925, c. 364, title II, 43 Stat. 1028.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above A similar provision is contained in prior acts

§ 7173.

The Legislative appropriation act for the year 1926, Act March 4, 1925, c 549, § 1, 43 Stat 1299, contains the following

"Public Printing and Binding—To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government For salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, to enable the Public Printer to comply with the provisions of law granting holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting thirty days' annual leave to employees with pay, rents, fuel, gas, heat, electric current, gas and electric fixtures, bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes including purchase, exchange, operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding $4,000), freight expressage, telegraph and telephone service, furniture, typewriters, and carpets, traveling expenses, stationery, postage, and advertising, directories, technical books, and books of reference (not exceeding $500), adding and numbering machines, time stamps, and other machines of similar character, machinery (not exceeding $200,000), equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty, other necessary contingent and miscellaneous items authorized by the Public Printer, for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding $1,000), for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at $3,150, one cataloguer at $2,880, and two cataloguers at $2,150 each, and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work, $2,400,000, to which shall be charged the printing and binding authorized to be done for Congress, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding $1,000) for official use of the Architect of the Capitol when authorized by the Secretary of the Senate, in all to an amount not exceeding this sum.

"Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made

"During the fiscal year 1926 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: Pro-

vided That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department of the appropriation made for the working capital of the Government Printing Office, for the year in which the work is done, and be subject to requisition by the Public Printer

"All amounts in the Budget for the fiscal year 1927 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose And if any amounts for printing and binding are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding. Provided, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing

"No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law * *

"In order to keep the expenditures for printing and binding for the fiscal year 1926 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions Provided, That where the printing of such reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public insnection

"Purchases may be made from the foregoing appropriations under the 'Government Printing Office,' as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910, concerning purchases for executive departments."

§ 7173a. Restrictions on printing by branches or officers of Government service—Hereafter no journal, magazine, periodical, or other similar publication, shall be printed and issued by any branch or officer of the Government service unless the same shall have been specifically authorized by Congress, but such publications as are now being printed without specific authority from Congress may, in the discretion of the Joint Committee on Printing, be continued until the close of the next regular session of Congress, when, if authority for their continuance is not then granted by Congress they shall not thereafter be printed. (March 1, 1919, c. 86, § 11, 40 Stat. 1270.)

This section is a part of § 11 of the legislative, executive, and judicial appropriation act for the year 1920, cited above

See post, § 7173aaa.

§ 7173aa. Restrictions on printing by branches or officers of Government service; Weather Bureau—The proviso contained in section 11 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, shall not prohibit the printing in the printing office of the Weather Bureau in the city of Washington of the maps, bulletins, circulars, forms, and other publications herein authorized (July 24, 1919, c 26, 41 Stat. 237.)

This section is a provision accompanying appropriations for the Weather Bureau, in the agricultural appropriation act for the year 1920, cited above.

§ 7173aaa. Use by executive departments, independent offices, or establishments of appropriations for printing of journals, magazines, periodicals, etc.; number printed; sale to public—Hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office or establishment: Provided, That there may be printed, in addition to those necessary for such public business, not to exceed two thousand copies for free distribution by the department, office, or establishment issuing the same: Provided further That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per centum without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit, but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government (May 11, 1922, c 189, § 1, 42 Stat. 541.)

This is section 1 of a resolution entitled a "Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes," cited above Section 2 repealed Act March 4, 1921, c 161, § 3, 41 Stat 1433, which read as follows

"Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued"

See ante, § 7173a

§ 7173aaaa. Report of publications issued during preceding fiscal year—Hereafter the head of each department and independent establishment of the Government shall on the first day of each regular session submit in writing a report to the Congress giving the aggregate number of the various publications it has issued during the preceding fiscal year giving same in detail, and shall also report the cost of paper used for such publications, cost of printing and the cost of preparation of each publication, and the number of each which has been distributed (June 5, 1920, c 253, § 1, 41 Stat 1037.)

From the third deficiency appropriation act for the year 1920, cited above.

§ 7176a. Government printing to be done at Government Printing Office—On and after July 1, 1919, all printing, binding, and blank-book work for Congress, the Executive Office, the judiciary, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District (March 1, 1919, c. 86, § 11, 40 Stat. 1270.)

This section is a part of § 11 of the legislative, executive, and judicial appropriation act for the year 1920, cited above.

§ 7178a. Blank forms; printing and sale—The Public Printer is authorized to print for sale by the Superintendent of Public Documents to the public, upon prepayment, additional copies of approved Government blank forms. (June 7, 1924, c. 303, § 1, 43 Stat. 592)

From the Legislative appropriation act for the year 1925, cited above.

§ 7178b. Paper and envelopes for departments, establishments, or services of Government—The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing as provided for in the Act approved January 12, 1895, and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the

District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose: paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (June 7, 1924, c 303, § 1 43 Stat 592)

From the Legislative appropriation act for the year 1925, cited above

§ 7187a. Machinery, material, equipment, or supplies from other departments—Any officer of the Government having machinery, material, equipment or supplies for printing, binding, and blank book work, including lithography, photolithography, and other processes of reproduction, which are no longer required or authorized for his service, shall submit a detailed report of the same to the Public Printer, and the Public Printer is hereby authorized, with the approval of the Joint Committee on Printing, to requisition such articles of the character herein described as are serviceable in the Government Printing Office, and the same shall be promptly delivered to that office. (July 19, 1919, c 24, § 3, 41 Stat 233)

This section is a part of § 3 of the sundry civil appropriation act for the year 1920, cited above.

TITLE XLVI—THE POSTAL SERVICE

Recent acts relating to the pay, etc, of employees in the Postal Service are as follows Act July 2, 1918, c 117, 40 Stat. 742, being the Post Office Department appropriation act for the fiscal year 1919, Act Feb 28, 1919, c 69, 40 Stat 1189, being the Post Office Department appropriation act for the fiscal year 1920, Res Nov. 7, 1919, c 99, 41 Stat 350, entitled a "Joint Resolution to provide additional compensation for employés of the Postal Service and making an appropriation therefor," providing "that because of the unusual conditions which now exist, the compensation provided for in the act entitled 'An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, the following classes of employees shall be increased * * for such fiscal year only," and enumerating the employees whose compensation was increased and specifying the amounts of such increase This resolution was limited to the fiscal year Act April 24, 1920, c. 161, 41 Stat 574, being the Post Office Department appropriation act for the fiscal year 1921, section 2 of which (41 Stat 583) provided that "the increased compensation for positions in the Postal Service of all classes and grades made and provided for in the Act entitled 'An Act making appropriations for the Post Office Department for the fiscal year ending June 30, 1920,' approved February 28, 1919, and House joint resolution of November 8, 1919, entitled 'Joint resolution to provide for additional compensation for employees of the Postal Service and making appropriations therefor,' and the provisions of such Act and resolution relating to promotions, classification, and grades specified in said Act and resolution shall continue in force during the fiscal year 1921, unless otherwise provided by law" Act June 5, 1920, c 254, 41 Stat. 1045, entitled "An act to reclassify postmasters and employees of the Postal service and readjust their salaries and compensation on an equitable basis." This act was a complete reclassification act and took the place of previous acts of a like nature. This act contained the following repealing provision "That section 2 of an act entitled 'An act making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes,' approved April 24, 1920, be and the same is hereby, repealed, except in so far as it affects the pay of employés not covered by this act" This act also provided "That the sums appropriated for salaries, and compensation of postmasters and employés of the Postal Service in the act approved April 24, 1920, shall be available for the payment of salaries and compensation of postmasters and postal employés at the rates of pay herein provided, and such additional sums as may be necessary are hereby appropriated to carry out the provisions of this act." Act March 1, 1921, c. 88, 41 Stat. 1150, being the Post Office Department appropriation act for the fiscal year 1922, section 4 of which provided· "That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenue of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1922, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General" Act June 19, 1922, c 227, 42 Stat 652, being the Post Office Department appropriation act for the fiscal year 1923, section 7 of which read as follows "If the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency in the revenues of such department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1923 And the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General"—Act Feb 14, 1923, c 79, 42 Stat 1248, being the Post Office Department appropriation act for the fiscal year 1924, section 72 of which read as follows "If the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency in the revenues of such department is hereby appriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1924 And the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General" Act April 4, 1924, c 34, Title II, 43 Stat 82, being a part of the Treasury and Post Office Departments appropriation act for the fiscal year 1925, which contained the following provision "If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under Title II of this Act, a sum equal to such deficiency in the revenues of such department is hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1925, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General." Act Jan 22, 1925, c 87, Title II, 43 Stat 788, being a part of the Treasury and Post Office Departments appropriation act for the fiscal year 1926, which contains the following provisions "If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under Title II of this Act, a sum equal to such deficiency in the revenues of such department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1926, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General"—Act Feb 28, 1925, c 368, 43 Stat 1053, entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide such readjustment, and for other purposes"

Act June 5, 1920, c 254 and Act Feb 28, 1925, c 368, mentioned above, supersede most of the provisions of the prior acts as follows Part of R. S § 4017, as amended by Act June 11, 1880, c 206, § 1, 21 Stat 177, Act Feb 21, 1879, c. 95, § 4, 20 Stat 317, as amended by Act Aug 2, 1882, c 373, § 2, 22 Stat. 185, Act March 3, 1883, c. 142, §§ 1, 2, 4, 22 Stat 600, 602, a provision of Act June 27, 1884, c. 126, 23 Stat 60, Act March 2, 1889, c 374, § 1, 25 Stat 841, a provision of Act Oct 1, 1890, c 1260, 26 Stat 648, provisions of Act March 2, 1907, c. 2513, 34 Stat 1206, provisions of Act May 27, 1908, c 206, 35 Stat 413; Act March 4, 1911, c 241, § 3, 36 Stat. 1339, a provision of Act Aug 24, 1912, c. 389, § 1, 37 Stat 548, as amended by Act March 3, 1917, c. 162, § 1, 39 Stat 1065, and by Act Feb 28, 1919, c. 69, § 1, 40 Stat 1195, provisions of Act Aug. 24, 1912, c 389, 37 Stat. 546; provisions of Act March 4, 1913, c. 143, 37 Stat. 794, 796; a provision of Act March 9, 1914, c. 33, 38 Stat 299; a provision of Res March 4, 1915, No. 15, 38 Stat 1227, May 18, 1916, c. 126, § 16, 39 Stat 163, as amended by Act July 28, 1916, c. 261, § 1, 39 Stat. 418, provisions of Act July 28, 1916, c. 261, § 1, 39 Stat 413, 416, 417, 418, provisions of Act March 3, 1917, c 162, 39 Stat 1062, 1063, 1065, a provision of Act Oct 3, 1917, c. 63, § 1108, 40 Stat 328, Act Oct. 3, 1917, c. 63, § 1108, 40 Stat. 328; provisions of Act July 2, 1918, c. 117, 40 Stat 749; provisions of Act Feb. 28, 1919, c. 69, 40 Stat 1190, provisions of Act April 24, 1920, c. 161, § 1, 41 Stat 577, 578, provisions of Act March 1, 1921, c. 88, § 1, 41 Stat. 1151; provisions of Act July 21, 1921, c. 50, §§ 1, 3, 4, 5, 6, 42 Stat. 144, 145, provisions of Act June 19, 1922, c. 227, §§ 3, 6, 42 Stat 660, 662

Act Feb 28. 1925, c 368, 43 Stat, is an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes."

This act consists of three titles as follows:

Title I.—Reclassification of Salaries of Postal Employees, §§ 1-13

Title II—Postal Rates, §§ 201-217.

Title III.—Federal Corrupt Practices Act, §§ 301-319.

Of title I, section 1 is set forth below as §§ 7217, 7217a, 7217aa, 7218, 7218a, 7218b; section 2 is set forth below as §§ 7547a, 7548bb, 7551a, 7551b, section 3 is set forth below as §§ 7227b, 7231c, 7231cc, 7231d, 7231e, 7231f, 7231g, 7231h, 7231i, 7231j, 7231k, 7231l, 7231ll; section 4 is set forth below as §§

7236aa(1), 7236aa(2), 7236aa(5), 7236aa(6), 7236aa(8), 7236aa (9), 7236d, 7238b, 7238c, section 5 is set forth below as § 7241m, section 6 is set forth below as § 7237c, section 7 is set forth below as §§ 7241, 7509a, 7509b, 7509c, 7509d, 7509e 7509f, 7509g, 7509h, 7509i, 7509j, 7509k, 7509l, 7509m 7509o, 7509p, 7509q, 7519, section 8 is set forth below as §§ 7300, 7300a(1), 7300a(3), 7300a(4-2), section 9 is set forth below as § 7300a(4¾), section 10 is set forth below as § 7300a (4), section 11 is set forth below as § 7236aa(3), 7236aa(4), 7239cc, 7240a, 7240aa, 7240b, 7241a 7250a, 7250b Section 12 reads as follows "The sums appropriated for salaries and compensation of postmasters and employees of the Postal Service in the Act making appropriations for the fiscal year ending June 30, 1925, approved April 4, 1924, shall be available for the payment of salaries and compensation of postmasters and postal employees at the rates of pay herein provided, and such additional sums as may be necessary are hereby authorized to be appropriated to carry out the provisions of this title" Section 13 reads as follows

'All Acts and parts of Acts inconsistent or in conflict with this title are hereby amended or repealed"

Of title 2, section 201 is set forth below as § 7235a, section 202 is set forth below as § 7358ce, section 203 is set forth below as § 7361aa, section 204 is set forth below as § 7361aaa, section 205 is set forth below as § 7361aaaa, section 206 is set forth below as § 7315a, section 207 is set forth below as §§ 7319(1a), 7321(3a), 7321(3b), 7321(3c), 7321(3d), section 208 is set forth below as § 7358, section 209 is set forth below as §§ 7405, 7405a, section 210 is set forth below as § 7410, section 211 is set forth below as §§ 7324b, 7324c, 7324d, section 212 is set forth below as § 7284a, section 213 is set forth below as § 7293, section 214 is set forth below as § 729aa, section 215 repeals §§ 7325a, 7326, 7358a-7358d, 7360a, 7361, 7361a. It reads as follows "The following Acts and parts of Acts are hereby repealed.

"(a) Sections 1101 to 1106, inclusive, of the Revenue Act of 1917,

"(b) The Act entitled 'An Act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent,' approved June 9, 1884, and

"(c) The Act entitled 'An Act to amend an Act entitled 'An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes,'' approved March nine, nineteen hundred and fourteen,' approved April 24, 1914." Section 216 reads as follows' "This title, except section 217, shall become effective on April 15, 1925." Section 217 is set forth ante, as § 60a

Title 3 is set forth ante, as §§ 198¼-198¼p, and post, as § 10288

Act June 5, 1930 c 254 mentioned above, is superseded by Act Feb 28, 1925, c 368, except five provisions therein, which may still be in force See post, §§ 7237b, 7241, 7509b (note), 7509ll, 7548a

Chapter One—Post-Offices and Post-Masters

§ 7189. [Superseded.]

This section (Act July 12, 1876, c. 179, § 5, 19 Stat 80) is superseded by subsequent acts classifying post-offices and postmasters, particularly by a provision of Act Feb 25, 1925 c. 368, § 1, post, § 7217. See, also, ante, notes at the beginning of this title.

§ 7193a. Bonds; Liberty Loan Bonds in lieu of other bonds—The Postmaster General may, under such rules and regulations as he shall prescribe, accept United States liberty loan bonds in lieu of either corporate or personal surety from contractors, officers, and employees of the Postal Service to indemnify the Government against losses resulting from the failure of any contractor, officer, or employee of the Postal Service to properly discharge his official duty. (July 2, 1918, c. 117, § 6, 40 Stat. 753)

This section is section 6 of the postal service appropriation act for the year 1919, cited above.

§ 7195a. Postmasters, vacancies; ad interim appointments; bonds of appointees; regular appointments to fill vacancies—Hereafter, whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class, and the Postmaster General shall notify the Auditor for the Post Office Department of the change The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay (March 1, 1921, c. 88 § 1, 41 Stat 1151.)

From the postal service appropriation act for the year 1922, cited above Similar provisions are contained in prior acts

§ 7211a. Adjustment of postmasters' claims for losses by burglary and fire—That the Act approved January twenty-first, nineteen hundred and fourteen (Thirty-eighth Statutes, page two hundred and seventy-eight), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include United States War Savings Certificate Stamps, United States Government Thrift Stamps, war tax revenue stamps, and funds received from the sale of such stamps: Provided, That this Act shall not embrace any claim for losses as aforesaid which accrued prior to September twenty-fourth, nineteen hundred and seventeen, and all such claims must be presented within six months from the time the loss occurred (July 2, 1918, c. 117, § 10, 40 Stat 754.)

This section is section 10 of the postal service appropriation act for the year 1919, cited above. See U. S. Comp St 1918, § 7211

§ 7214a. Postmasters as disbursing officers for payment of mail messengers, etc.—Hereafter postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails. * * (June 3, 1924, c. 237, 43 Stat. 356)

This section is a part of an act entitled "An Act authorizing the Postmaster General to contract for mail messenger service," cited above. A similar provision is contained in a prior act

§ 7217. Reclassification of postmasters and employees of Postal Service, and readjustment of salaries and compensation—On and after January 1, 1925, postmasters and employees of the Postal Service shall be reclassified and their salaries and compensation readjusted, except as otherwise provided as follows:

Postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are $3,200 or more.

The second class shall embrace all those whose annual salaries are less than $3,200, but not less than $2,400.

The third class shall embrace all those whose annual salaries are less than $2,400, but not less than $1,100.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than $1,100, exclusive of commissions on money orders issued. (Feb. 28, 1925, c. 368, § 1, 43 Stat 1053)

See notes at the beginning of this title

§ 7217a. Same; compensation of postmasters of first, second, and third classes to be annual salaries payable semimonthly; computation of salaries of respective classes; transfer of third class offices to fourth class; clerk hire allowances to postmasters of third class—The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly

returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely

First class—$40 000, but less than $50 000 $3 200; $50 000, but less than $60 000, $3 300; $60,000 but less than $75,000, $3,400: $75,000, but less than $90,000, $3,500; $90,000, but less than $120 000, $3,600, $120,000, but less than $150,000, $3,700; $150,000, but less than $200 000, $3,800, $200 000 but less than $250 000, $3,900; $250 000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000 but less than $500,000, $4,500, $500,000, but less than $600,000, $5,000; $600,000, but less than $7,000,000, $6,000; $7,000,000 and upward, $8 000

Second class—$8,000, but less than $12,000, $2,400; $12,000, but less than $15,000, $2,500, $15,000, but less than $18,000, $2,600; $18,000, but less than $22,000, $2,700; $22,000, but less than $27,000, $2,800, $27,000, but less than $33,000, $2,900; $33,000, but less than $40 000, $3,000

Third class—$1,500 but less than $1,600, $1,100, $1,600, but less than $1,700, $1,200; $1,700, but less than $1,900, $1,300, $1,900, but less than $2,100, $1,400; $2,100, but less than $2,400, $1,500, $2,400, but less than $2,700, $1,600; $2,700, but less than $3,000, $1,700; $3,000, but less than $3,500, $1 800; $3,500, but less than $4,200, $1,900; $4,200, but less than $5,000, $2 000, $5,000, but less than $6,000, $2,100, $6,000, but less than $7,000, $2,200; $7,000, but less than $8,000, $2,300. Provided, That when the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class: Provided, That postmasters at offices of the third class shall be granted for clerk hire an allowance of $240 per annum where the salary of the postmaster is $1,100 per annum; an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum, an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum: Provided further, That the Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per centum: Provided however, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

See notes at the beginning of this title

§ 7217aa. Clerk hire allowances to postmasters of first, second, and third class; what to cover—The allowances for clerk hire made to postmasters of the first, second, and third class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law. (Feb 28, 1925, c. 368 § 1, 43 Stat 1054.)

See notes at the beginning of this title

§ 7218. Compensation of postmasters of fourth class—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the Act of April 28, 1904, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the Act of April 24, 1920, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 per centum on the amount, on the next $100 or less per quarter, 85 per centum, and on all the balance, 75 per centum, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: * * In no case shall there be allowed any postmaster of this class a compensation greater than $300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may be entitled to under the provisions of this Act, not exceeding for the whole fiscal year the sum of $1,100, exclusive of money-order commissions. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1054.)

See notes at the beginning of this title

§ 7218a. Assignment of fourth class offices to proper class on increase of receipts—* * When the total compensation of any postmaster at a post office of the fourth class for the calendar year, shall amount to $1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1, following, and the salary of the postmaster fixed according to the receipts. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055.)

See notes at the beginning of this title

§ 7218b. Advancement of fourth class offices to appropriate class under unusual conditions; reduction to appropriate class—* * Whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: And provided further, That when the Postmaster General has exercised the authority herein granted, he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter. (Feb 28, 1925, c 368, § 1, 43 Stat. 1055.)

See notes at the beginning of this title.

§ 7220. [Superseded.]

This section (Act March 3, 1883, c. 142, § 4, 22 Stat. 562) is superseded by subsequent acts classifying post-offices and postmasters, particularly by Act Feb. 28, 1925, c. 368. See notes at the beginning of this title.

§ 7225a. Salary of postmaster at Honolulu—That the Postmaster General be authorized to fix the salary of the postmaster at Honolulu at not to exceed $4.000 per annum (Oct. 28, 1919, c. 86, 41 Stat. 323.)

This is a part of an act entitled "An act to improve the administration of the postal service in the Territory of Hawaii, in Porto Rico and the Virgin Islands," cited above.

§ 7226a. [Obsolete.]

This section (Act Oct. 3, 1917, c. 63, § 1108, 40 Stat. 328) was operative only during the existence of the World War.

§ 7227a. Salaries of assistant postmasters or supervisory officials at first class offices—No assistant postmaster or supervisory official at offices of the first class shall receive a less salary than $100 per annum in excess of the sixth-grade salary provided for clerks and carriers in the City Delivery Service, nor shall an assistant postmaster at any office of the second class be paid a less salary than that paid the highest-salaried clerk or letter carrier employed in such office. (Feb. 28, 1919, c. 69, § 2, 40 Stat. 1199.)

This section is a part of § 2 of the postal service appropriation act for the fiscal year 1920, cited above. Said section 2 also contains the following provision: "Provided further, That during the fiscal year ending June 30, 1920, the increased compensation provided in section 2 of the act approved July 2, 1918, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, shall remain the same for employees other than those mentioned herein."

§ 7227b. Assistant postmasters at second class offices; salaries; computation—At offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows: $8,000, but less than $10,000, $2,200; $10,000, but less than $12,000, $2,200; $12,000, but less than $15,000, $2,200; $15,000, but less than $18,000, $2,300, $18,000, but less than $22,000, $2,300, $22,000, but less than $27,000, $2,400; $27,000, but less than $33,000, $2,400; $33,000, but less than $40,000, $2,500. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1056.)

See notes at the beginning of this Title.

§ 7231. [Superseded.]

This section (Act March 2, 1889, c. 374, § 1, 25 Stat. 841), is superseded by subsequent acts classifying post-offices and postmasters particularly by Act June 5, 1920, c. 254, and Act Feb. 1925, c. 368.

See notes at the beginning of this Title.

§ 7231a. [Superseded.]

This section (a provision of Act March 3, 1917, c. 162, § 1, 39 Stat. 1065), was superseded by a provision of Act July 2, 1918, c. 117, § 1, 40 Stat. 745, which was superseded by a provision of Act April 24, 1920, c. 161, § 1, 41 Stat. 577, which was superseded by a provision of Act Feb. 28, 1925, c. 368, § 3. See notes at the beginning of this Title.

§ 7231b. Appointment and assignment of clerks—Office of the First Assistant Postmaster General: * * Hereafter the appointment and assignment of clerks hereunder shall be so made during each fiscal year as not to involve a greater aggregate expenditure than the sum appropriated. (April 24, 1920, c. 161, § 1, 41 Stat. 577.)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above. It has been repeated in prior acts.

§ 7231c. Salaries of employees other than in automatic grades at offices of first class; computation—At offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

Receipts $40,000, but less than $50,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $50,000, but less than $60,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $60,000, but less than $75,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $75,000, but less than $90,000—assistant postmaster, $2,700, superintendent of mails, $2,500. Receipts $90,000, but less than $120,000—assistant postmaster, $2,700, superintendent of mails, $2,600, foremen, $2,500. Receipts $120,000, but less than $150,000—assistant postmaster, $2,800; superintendent of mails, $2,700; foremen, $2,500. Receipts $150,000, but less than $200,000—assistant postmaster, $2,900, superintendent of mails, $2,800; foremen, $2,500. Receipts $200,000, but less than $250,000—assistant postmaster, $3,000, superintendent of mails, $2,900, foremen, $2,500. Receipts $250,000, but less than $300,000—assistant postmaster, $3,100, superintendent of mails, $3,000, assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $300,000, but less than $400,000—assistant postmaster, $3,200; superintendent of mails, $3,100; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $400,000, but less than $500,000—assistant postmaster, $3,300; superintendent of mails, $3,200, assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $500,000, but less than $600,000—assistant postmaster, $3,500; superintendent of mails, $3,300; assistant superintendent of mails, $2,600; foremen, $2,500; postal cashier, $2,900; money-order cashier, $2,600. Receipts $600,000, but less than $1,000,000—assistant postmaster, $3,700; superintendent of mails, $3,500; assistant superintendent of mails, $2,800; foremen, $2,500; postal cashier, $3,100, money-order cashier, $2,800. Receipts $1,000,000, but less than $2,000,000—assistant postmaster, $3,900; superintendent of mails, $3,700; assistant superintendents of mails, $2,700, $2,800, and $3,100; foremen, $2,500 and $2,600, postal cashier, $3,300; assistant cashiers, $2,600, money-order cashier, $3,000; bookkeepers, $2,400; station examiners, $2,400. Receipts $2,000,000, but less than $3,000,000—assistant postmaster, $4,000; superintendent of mails, $3,800; assistant superintendents of mails, $2,700, $2,800, $3,000, and $3,300; foremen, $2,500 and $2,600; postal cashier, $3,400; assistant cashiers, $2,600 and $2,900; money-order cashier, $3,100; bookkeepers, $2,400 and $2,500; station examiners, $2,600. Receipts $3,000,000, but less than $5,000,000—assistant postmaster, $4,100, superintendent of mails, $3,900; assistant superintendents of mails, $2,700, $2,800, $3,100, and $3,500; foremen, $2,500 and $2,600, postal cashier, $3,600; assistant cashiers, $2,600, $2,800, and $3,100; money-order cashier, $3,300; bookkeepers, $2,400 and $2,500; station examiners, $2,600 and $2,800. Receipts $5,000,000, but less than $7,000,000—assistant postmaster, $4,300, superintendent of mails, $4,100; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,300, and $3,700; foremen, $2,500 and $2,600; postal cashier, $3,800; assistant cashiers, $2,600, $2,900, and $3,100; money-order cashier, $3,500; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $7,000,000, but less than $9,000,000—assistant postmaster, $4,600; superintendent of mails, $4,300; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,500, and $3,900; foremen, $2,500 and $2,600, postal cashier, $4,000; assistant cashiers, $2,600, $2,800, $3,100, and $3,400; money-order cashier, $3,600; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $9,000,000, but less than $20,000,000—assistant postmasters, $4,700 and $4,800; superintendent of mails, $4,500; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,700, and $4,100; fore-

men, $2,500, $2 600 and $2,700. postal cashier, $4 100; assistant cashiers, $2,600, $2 800, $3,200. and $3,600, money-order cashier, $3,700; bookkeepers. $2 400. $2,500, $2,600, and $2 800; station examiners. $2 600 and $2,800 Receipts $20,000,000 and upward,—assistant postmasters, $4,800. and $4,900, superintendent of mails, $4,700; assistant superintendents of mails. $2,800, $2,900, $3,100, $3,500. $3,900, and $4 100: superintendent of delivery, $4,700. assistant superintendents of delivery, $2,800, $2 900, $3 100, $3 500. $3 900. and $4,100, foremen, $2,500, $2 600, and $2,700, superintendent of registry. $4,300; assistant superintendents of registry, $2,800, $2,900 $3,100, $3,500. and $4,100; superintendent of money order, $4,300, assistant superintendent of money order, $4,100. auditor, $4,000; postal cashier, $4,300; assistant cashiers, $2,600, $2,800, $3,100, $3,300, and $3,800, money-order cashier, $3,900; bookkeepers, $2,400, $2,600, $2,800, and $3,300, station examiners. $2,600, $2,800, and $3,000. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1056.)

See notes at the beginning of this Title

§ 7231cc. Number of assistant postmasters at certain first class post offices—Not more than two assistant postmasters shall be employed at offices where the receipts are $9,000.000 and upward (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title

§ 7231d. Salaries of postmaster and supervisory employees at Washington post office—In fixing the salaries of the postmaster and supervisory employees in the post office at Washington, District of Columbia, the Postmaster General may. in his discretion, add not to exceed 75 per centum to the gross receipts of that office (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title.

§ 7231e. Number of assistant superintendents of mails, delivery, registry, and assistant cashiers to be paid maximum salaries—Not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are $9,000,000 and less than $14,000,000 to which offices two assistant superintendents of mail shall be assigned at the maximum salary, one to be in charge of city delivery. (Feb. 28, 1925, c 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title

§ 7231f. Employees in charge of records and adjustment of accounts in state depositaries for surplus postal funds and central accounting offices; increased salaries—State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than $500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of $200 per annum; if receipts are $500,000 and less than $5,000,000. the postal cashier shall be allowed an increase of $200 per annum: And provided further, That at all central accounting offices where the bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title.

§ 7231g. Superintendents of classified stations; salaries; additional employees at certain stations—The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee. (Feb. 28, 1925, c. 368, § 3. 43 Stat 1057)

See notes at the beginning of this Title

§ 7231h. Superintendents of classified stations; salaries; rates—At classified stations the salary of the superintendent shall be as follows One and not exceeding five employees, $2 400; six and not exceeding eighteen employees. $2 500; nineteen and not exceeding thirty-two employees. $2,600. thirty-three and not exceeding forty-four employees. $2,700; forty-five and not exceeding sixty-four employees, $2,800: sixty-five and not exceeding ninety employees $2,900; ninety-one and not exceeding one hundred and twenty employees, $3 000; one hundred and twenty-one and not exceeding one hundred and fifty employees, $3,100; one hundred and fifty-one and not exceeding three hundred and fifty employees. $3,300; three hundred and fifty-one and not exceeding five hundred employees $3,500; five hundred and one or more employees. $3,800. (Feb 28, 1925, c. 368, § 3, 43 Stat 1057)

See notes at the beginning of this Title

§ 7231i. Assistant superintendents of classified stations; salaries—At classified stations having forty-five or more employees there shall be assistant superintendents of stations with salaries as follows: Forty-five and not exceeding sixty-four employees, $2,400; sixty-five and not exceeding ninety employees, $2,500; ninety-one and not exceeding one hundred and twenty employees, $2,600; one hundred and twenty-one and not exceeding one hundred and fifty employees, $2,700; one hundred and fifty-one and not exceeding three hundred and fifty employees, $2,900; three hundred and fifty-one and not exceeding five hundred employees, $3,100; five hundred and one employees and upward, $3,400. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title

§ 7231j. Superintendents of delivery and assistant superintendents of delivery at certain post offices; salaries—At post offices where the receipts are $14,000,000 but less than $20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title.

§ 7231k. Promotion of supervisory employees on advancement of office to higher grade—When an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title.

§ 7231*l*. Minimum of salaries of employees in supervisory grades—No employee in the supervisory grades shall receive a salary less than $100 more than that paid to the highest grade of clerk or special clerk. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

See notes at the beginning of this Title.

§ 7231*m*. Grades of certain employees designated by titles for which more than one grade of salary is provided—In the readjustment of salaries of all employees above the highest grade for special clerks, those at present designated by titles for which more than one grade of salary is provided shall be placed in the same relative grade and designation and

receive the increased salary provided in this title (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1059.)

See notes at the beginning of this Title

§ 7231m. Messengers, watchmen, and laborers in first and second class post offices; grades; salaries; promotion; substitute watchmen, etc.; pay—Messengers, watchmen, and laborers in first and second class post offices shall be divided into two grades, as follows. First grade, salary $1,500; second grade, salary $1,600 Provided, That watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1: Provided further, That the pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour (Feb. 28, 1925, c. 368, § 5, 43 Stat 1060.)

See notes at the beginning of this Title.

§ 7235. [Superseded.]

This section (Act Feb. 21, 1879, c. 95, § 4, 20 Stat 317, as amended by Act Aug 2, 1882, c. 373, § 2, 22 Stat 185) is superseded by subsequent acts classifying post-offices and postmasters, particularly by a provision of Act Feb 28, 1925, c 368. See notes at the beginning of this Title

§ 7236. [Superseded.]

This section (Act March 2, 1907, c 2513, 34 Stat 1206), is superseded by subsequent acts. See notes at the beginning of this title.

§ 7236a. Excess of number of clerks appropriated for for particular grades—To enable the Postmaster General to carry out the provisions of this Act, he may hereafter exceed the number of clerks appropriated for for particular grades (April 24, 1920, c. 161, § 1, 41 Stat 577.)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above Similar provisions are contained in prior acts

§ 7236aa(1). Clerks in first and second class post offices and letter carriers in City Delivery Service; grades; salaries; readjustment of grades—Clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into five grades as follows. First grade—salary $1,700; second grade—salary, $1,800; third grade—salary, $1,900; fourth grade—salary, $2,000; fifth grade—salary, $2,100: Provided, That in the readjustment of grades for clerks at first and second class post offices and letter carriers in the City Delivery Service to conform to the grades herein provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5. (Feb. 28, 1925, c 368, § 4, 43 Stat. 1059.)

See notes at the beginning of this Title

§ 7236aa(2). Substitute clerks in first and second class offices and substitute letter carriers in City Delivery Service appointed regular clerks or carriers; credit for time served as substitutes—Hereafter substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served on a basis of one year for each three hundred and six days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1. (Feb. 28, 1925, c. 368, § 4,. 43 Stat. 1059.)

See notes at the beginning of this Title.

§ 7236aa(3). Credit to postal employees and substitute postal employees for time served in military, naval, or marine service of United States during World War—Postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade 1 This provision shall apply to such postal employees and substitute postal employees who were in the Postal Service on October 1, 1920 (Feb. 28, 1925, c. 368, § 11, 43 Stat 1065.)

See notes at the beginning of this Title

§ 7236aa(4). Substitute clerks in first and second class offices and Railway Mail Service, and substitute letter carriers in City Delivery Service; credit for time served as substitutes on appointment as regular clerks—Substitute clerks in first and second class post offices and the Railway Mail Service and substitute letter carriers in the City Delivery Service when appointed regular clerks, railway postal clerks, or carriers shall have credit for actual time served on a basis of one year for each three hundred and six days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade one. (Feb. 28, 1925, c 368, § 11, 43 Stat. 1065.)

See notes at the beginning of this Title

§ 7236aa(5). Promotion of clerks in first and second class offices and letter carriers in City Delivery Service—Clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade (Feb. 28, 1925, c. 368, § 4, 43 Stat 1059.)

See notes at the beginning of this Title

§ 7236aa(6). Special clerks; grades; salaries; adjustment of grades; promotion—There shall be two grades of special clerks, as follows: First grade—salary, $2,200; second grade—salary, $2,300· Provided, That in the adjustment of grades for special clerks to conform to the grades herein provided special clerk grade 1 shall include present grade 1, and special clerk grade 2 shall include present grade 2: Provided further, That in all special clerk promotions the senior competent employee shall have preference. (Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

See notes at the beginning of this Title.

§ 7236aa(7). Same; special clerks; executive, finance, money order, postal savings, registry, mailing and other divisions of first-class offices—As a reward for faithful and meritorious service special clerks may be appointed in the executive, finance, money order, postal savings, registry, mailing, and other divisions of first-class post offices. Clerks in the executive, finance, money order, postal savings, registry, and other divisions of first-class post offices who were designated as special clerks, finance clerks, cashiers, foremen, bookkeepers, chief stamp clerks, chief mailing clerks, and stenographers on June 30, 1920, and who were, on and after July 1, 1920, assigned as clerks of grade five shall, from and after the passage of this Act, unless they were demoted for cause, be given the designation and status of special clerks, and assigned to the first or second grade: Provided, That clerks who have been designated as special clerks shall not be demoted except for cause. (July 21, 1921, c 50, § 2, 42 Stat. 144.)

This section is § 2 of an act entitled "An act to further reclassify postmasters and employees of the Postal Service and readjust their salaries and compensation on an equitable basis, and for other purposes," cited above

§ 7236aa(8). Compensation and promotion of printers, mechanics, etc.—Printers, mechanics, and skilled laborers, employees of the United States Stamped Envelope Agency at Dayton Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force (Feb. 28, 1925, c 368, § 4, 43 Stat 1059)

See notes at the beginning of this Title

§ 7236aa(9). Pay of substitute, temporary, or auxiliary clerks at first and second class offices and substitute letter carriers in City Delivery Service—The pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in the City Delivery Service shall be at the rate of 65 cents per hour (Feb. 28, 1925, c 368, § 4, 43 Stat. 1059)

See notes at the beginning of this Title

§ 7236d. Salaries of marine carriers assigned to Detroit River Marine Service—Marine carriers assigned to the Detroit River Marine Service shall be paid annual salary of $300 in excess of the highest salary paid carriers in the City Delivery Service (Feb. 28, 1925, c 368, § 4, 43 Stat. 1059)

See notes at the beginning of this Title

§ 7237. [Superseded]

This section (a provision of Act March 4, 1913, c 143, 37 Stat 794) is superseded by subsequent acts classifying post-offices and postmasters, particularly Act Feb 25, 1925, c 368 See notes at the beginning of this Title

§ 7237a. [Superseded]

This section (a provision of Act March 3, 1917, c 162, § 1, 39 Stat 1063) is superseded by a provision of Act June 5, 1920, c 254, 41 Stat 1052, which is superseded by a provision of Act Feb 28, 1925, c 368, § 1 See notes at the beginning of this Title

§ 7237b. Assistant postmasters at certain third class offices—The Postmaster General may in the disbursement of the appropriation for this purpose and within its limitation provide for the employment at a maximum salary of $900 per annum of assistant postmasters at post offices of the third class where the salary of the postmaster is $2,100 or $2,200 per annum. (June 5, 1920, c 254, 41 Stat 1052.)

This section is a provision of an act entitled "An act to reclassify postmasters and employés of the Postal Service and readjust their salaries and compensation on an equitable basis," cited above It supersedes somewhat similar provisions in prior postal service appropriation acts See notes at the beginning of this Title.

§ 7237c. Employees in motor vehicle service; classification; salaries; grades; readjustment; promotion; pay of substitutes; hours of work of certain employees; overtime pay—Employees in the motor-vehicle service shall be classified as follows: Superintendents, $2,400, $2,600, $2,800, $3,000, $3,400, $3,600, $3,800, $4,000, and $5,000 per annum; assistant superintendents, $2,500, $2,600, and $2,800 per annum; chiefs of records, $2,200, $2,300, $2,400, $2,500, $2,600, $2,800, and $3,000; chiefs of supplies, $2,200, $2,300, and $2,400; chief dispatchers, $2,300 and $2,500; route supervisors, $2,400, $2,500, and $2,600; dispatchers, $2,100, $2,200, and $2,300; chief mechanics, $2,400, $2,500, $2,600, $2,800, and $3,000; mechanics in charge, $2,200, $2,300, and $2,400, and special mechanics, $2,100, $2,200, and $2,300. Provided, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,000 per annum. General mechanics employed in the motor-vehicle service shall be divided into three grades. First grade, salary $1,900; second grade, salary $2,000; third grade, salary $2,100; and clerks employed in the motor-vehicle service shall be divided into five grades, as follows: First grade, salary $1,700; second grade, salary $1,800; third grade, salary $1,900; fourth grade, salary $2,000; fifth grade, salary $2,100: Provided, That in the readjustment of grades for clerks in the motor-vehicle service to conform to the grades above provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3 grade 4 shall include present grade 4, and grade 5 shall include present grade 5: Provided, That general mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, at the respective offices where employed, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade: Provided further, That at first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary $2,200, grade 2, salary $2,300. Provided further, That in the readjustment of grades for special clerks to conform to the grades herein provided, special clerk, grade 1, shall include present special clerk, grade 1, and special clerk, grade 2, shall include present special clerk, grade 2.

Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum. Provided, That on satisfactory evidence of their qualifications after one year's service mechanics' helpers shall be promoted to the first grade of general mechanics as vacancies may occur.

Driver-mechanics employed in the motor-vehicle service shall be divided into five grades. First grade, salary $1,600, second grade, salary $1,700, third grade, salary $1,800; fourth grade, salary $1,900; fifth grade, salary $2,000, and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary $1,550; second grade, salary $1,650. Provided, That in the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5. Provided further, That driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade at the respective offices where employed: Provided further, That garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade at the respective offices where employed, and promotions of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

The pay of substitute, temporary, or auxiliary employees in the motor-vehicle service shall be as follows: Special mechanics at the rate of 75 cents per hour; general mechanics at the rate of 70 cents per hour; clerks and driver-mechanics at the rate of 65 cents per hour; and garagemen-drivers at the rate of 55 cents per hour.

Special mechanics, general mechanics, mechanics helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service shall be required to work not more than eight hours a day. Provided, That the eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duties of the employees shall be regulated accordingly: Provided further, That in cases of emergency,

or if the needs of the service require, special clerks, clerks, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: Provided further, That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in the Act of July 28, 1916, the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service: Provided further, That when the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics in charge, special mechanics, general mechanics, mechanics' helpers driver-mechanics, and garagemen-drivers in the motor-vehicle service, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: Provided, however, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays. (Feb. 28, 1925, c. 368, § 6, 43 Stat. 1060.)

See notes at the beginning of this Title.

§ 7238. [Superseded]

This section (Act Aug. 24, 1912, c 389, § 5, 37 Stat 554) is superseded by Act Feb. 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7238a. [Superseded.]

This section (Act July 28, 1916, c. 261, § 1, 39 Stat. 416) is superseded by Act Feb. 28, 1925, c 368. See notes at the beginning of this Title

§ 7238b. Hours of work for special clerks, clerks, and laborers in first and second class offices, and carriers in City Delivery Service; overtime pay—Hereafter special clerks, clerks, and laborers, in the first and second class post offices and carriers in the City Delivery Service shall be required to work not more than eight hours a day: Provided further, That the eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly: Provided further, That in cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers, in first and second class post offices and carriers in the City Delivery Service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: And provided further, That in computing compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in the Act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. (Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

See notes at the beginning of this Title.

§ 7239. [Superseded.]

This section (Act March 4, 1911, c. 241, § 3, 36 Stat. 1339) is superseded by Act Feb. 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7239aa. Holidays in Post Office Department—Hereafter all days, other than the holidays enumerated in the act of July 28, 1916, making appropriations for the Postal Service for the fiscal year ending June 30, 1917, set aside by the President of the United States as holidays to be observed by the other departments of the Government throughout the United States shall be construed as applicable to the Postal Service in the same manner and to the same extent as the executive departments. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1193)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above See notes at the beginning of this Title.

§ 7239c. Compensatory time to foremen, special clerks, carriers, watchmen, messengers, or laborers, at first and second class offices for work on Sundays or holidays; overtime in lieu thereof—When the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks, carriers, watchmen, messengers, or laborers at first and second class post offices they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed Provided, however, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time. (Feb. 28, 1925, c. 368, § 4, 43 Stat. 1059.)

See notes at the beginning of this Title.

§ 7239cc. Compensatory time to laborers or railway postal clerks at terminal railway post offices and transfer offices for work on Sundays or holidays; overtime in lieu thereof—Hereafter when the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: Provided, however, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

See notes at the beginning of this Title.

§ 7239d. [Repealed.]

This section, Act July 2, 1918, c. 117, § 1, 40 Stat 745, which read as follows: "Hereafter when any employee in the Postal Service under the law is entitled to compensatory time for Sunday or holiday service, if he so elects, he may be paid for overtime in lieu thereof," is repealed by a provision of Act June 5, 1920, c. 254, 41 Stat. 1053

§ 7240a. Reduction in salary; restoration to former grade or advancement to intermediate grade—Whenever an employee herein provided for shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year. (Feb. 28, 1925, c. 368, § 11, 43 Stat 1064.)

See notes at the beginning of this Title.

§ 7240aa. Promotion regardless of increase of pay—All employees herein provided for in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following

the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this title. (Feb 28, 1925, c. 368, § 11, 43 Stat. 1065.)

See notes at the beginning of this Title

§ 7240b. Promotion of employee whose promotion withheld—Whenever the promotion of an employee herein provided for is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period (Feb. 28, 1925, c. 368, § 11, 43 Stat 1064)

See notes at the beginning of this Title

§ 7241. Leaves of absence; sick leave—Hereafter employees in the Postal Service shall be granted fifteen days leave of absence with pay, exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of ten days a year, exclusive of Sundays and holidays, to be cumulative for a period of three years, but no sick leave with pay in excess of thirty days shall be granted during any three consecutive years. Sick leave shall be granted only upon satisfactory evidence of illness and if more than two days the application therefor shall be accompanied by a physician's certificate. Provided, That hereafter not exceeding five days of the fifteen days' annual leave with pay, exclusive of Sundays and holidays, granted to railway postal clerks assigned to road duty each fiscal year may be carried over to the succeeding fiscal year. (June 5, 1920, c 254, 41 Stat. 1052, amended, June 19, 1922, c. 227, § 3, 42 Stat. 660, and Feb. 28, 1925, c. 368, § 7, 43 Stat 1063)

This section was again amended by Act Feb 28, 1925, c 368, § 7, cited above, by adding the proviso as set forth above It supersedes a provision of Act Oct 1, 1890, c. 1260, 26 Stat 648 See notes at the beginning of this Title

§ 7241a. Same; sick leave—Employees in the Postal Service shall be granted fifteen days' leave of absence with pay exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of ten days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of thirty days shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General.

The fifteen days' leave shall be credited at the rate of one and one-quarter days for each month of actual service. (Feb 28, 1925, c. 368, § 11, 43 Stat. 1064.)

See notes at the beginning of this Title.

§ 7242. [Superseded.]

This section (a provision of Act Aug 24, 1912, c. 389, 37 Stat 546) is superseded by Act Feb 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7243. [Superseded.]

This section (a provision of Act June 27, 1884, c 126, 23 Stat 60) is superseded by Act Feb 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7244. [Superseded.]

This section (a provision of Act May 27, 1908, c 206, 35 Stat 413) is superseded by Act Feb 28, 1925, c 368 See notes at the beginning of this Title

§ 7244aa. Reinstatement of employés entering military service—Employees, including substitute employees, of the Postal Service who have entered the military or naval service of the United States or who shall hereafter enter it during the existence of the present war, shall, when honorably discharged from such service, be reassigned to their duties in the Postal Service at the salary to which they would have been automatically promoted had they remained in the Postal Service, provided they are physically and mentally qualified to perform the duties of such positions (July 2, 1918, c. 117, § 9, 40 Stat 754)

This section is section 9 of the postal service appropriation act for the year 1919, cited above

§ 7245a. Regular clerks; overtime—Hereafter whenever practicable in case of emergency or otherwise a substitute is available the postmaster is prohibited from employing a regular clerk over time. (Feb. 28, 1919, c 69, § 1, 40 Stat 1192)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above.

§ 7248. [Superseded]

This section (a provision of Act July 28, 1916, c 261, § 1, 39 Stat 417) is superseded by Act Feb 28, 1925, c 368 See notes at the beginning of this Title

§ 7249. [Superseded]

This section (a provision of Act March 4, 1913, c 143, 37 Stat 796) is superseded by Act Feb 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7249a. [Superseded]

This section (a provision of Act March 9, 1914, c. 33, 38 Stat 299) is superseded by Act Feb. 28, 1925, c. 368 See notes at the beginning of this Title

§ 7249b. [Superseded.]

This section (a provision of Act July 28, 1916, c 261, § 1, 39 Stat 417) is superseded by Act Feb 28, 1925, c 368. See notes at the beginning of this Title

§ 7250a. Transfer of clerks, carriers, etc.—The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged. (Feb 28, 1925, c 368, § 11, 43 Stat. 1065)

See notes at the beginning of this Title

§ 7250b. No reduction in rank—No employee in the Postal Service shall be reduced in rank or salary as the result of the provisions of this title. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065)

See notes at the beginning of this Title.

§ 7256aa. Navy mail clerks and assistants; sections 7256, 7256a extended—The provisions of the Act of May twenty-seventh, nineteen hundred and eight (Thirty-fifth Statutes, pages four hundred and seventeen and four hundred and eighteen), as amended by the Act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes, page five hundred and. sixty), and as amended by the Act of March fourth, nineteen hundred and seventeen (Thirty-ninth Statutes, page eleven hundred and eighty-eight), are hereby extended to authorize the designation of enlisted men of the Navy or Marine Corps as Navy mail clerks and assistant Navy mail clerks for duty at stations and shore establishments under the jurisdiction of the Navy Department where the services of such mail clerks and assistant mail clerks are necessary. (July 1, 1918, c. 114, 40 Stat. 718.)

This section is a part of the naval appropriation act for the fiscal year 1919, cited above. The acts referred to are Act May 27, 1908, c. 206, 35 Stat. 417, as amended by Act Aug 24, 1912, c. 389, § 11, 37 Stat. 560, and Act March 4, 1917, c. 180, 39 Stat. 1188.

§ 7258. [Repealed in part.]

So much of this section (Act March 3, 1885, c 342, § 1, 23 Stat. 386), as provides that "and a lease shall cease and terminate whenever a post-office can be moved into a Government building" is repealed by a provision of Act June 19, 1922, c. 227, § 1, 42 Stat 656.

§ 7259a. Rental of first, second, and third class post offices—For rent, light, and fuel for first, second, and third class post offices. * * Hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use

of post offices of the first, second, and third classes at a reasonable annual rental to be paid quarterly for a term not exceeding twenty years. (April 24, 1920, c 161, § 1, 41 Stat. 578)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1921 cited above It has been repeated in a prior act This section is followed, in said appropriation act, by the following provision "Provided further, That that part of the Act of July 2, 1918, providing that there shall not be allowed for the use of any third-class post office for rent a sum in excess of $500, nor more than $100 for fuel and light, in any one year, is hereby repealed"

§ 7259b. Monthly payment of rental for post offices—The Postmaster General is hereby authorized to make monthly payment of rental for post office premises under lease. (March 3, 1925, c. 420, 43 Stat 1105)

This section is an act entitled "An act authorizing the Postmaster General to make monthly payment of rental for post office premises under lease," cited above

§ 7264a. Sale of post-route maps and rural delivery maps—The Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blue prints at the cost of printing and 10 per centum thereof added * *. (March 1, 1921, c. 88, § 1, 41 Stat 1154.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 7265aa. Sale of official Postal Guides—The Postmaster General may authorize the sale to the public of Official Postal Guides at the total cost thereof, the proceeds of such sale to be covered into the Treasury as a miscellaneous receipt. (March 3, 1921, c 124, § 1, 41 Stat. 1295)

From the legislative, executive, and judicial appropriation act for the year 1922, cited above.

Chapter Two—Carriers, Branch Offices and Receiving-Boxes

§ 7279a. Branch offices in Hawaii, Porto Rico and Virgin Islands—The Postmaster General is hereby directed to establish in the Islands of Hawaii, in Porto Rico and the Virgin Islands under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public: Provided, however, That such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned. (Oct. 28, 1919, c. 86, 41 Stat. 323.)

This is a part of an act entitled "An act to improve the administration of the postal service in the Territory of Hawaii, in Porto Rico and the Virgin Islands," cited above.

§ 7284a. Special delivery; stamps—(a) To procure the immediate delivery of mail matter weighing more than 2 pounds and not more than 10 pounds, stamps of the value of 15 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 11 cents may be paid to the messenger or other person making such delivery.

(b) To procure the immediate delivery of mail matter weighing more than 10 pounds, stamps of the value of 20 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 15 cents may be paid to the messenger or other person making such delivery.

(c) For the purposes of this section the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations of 15 and 20 cents. (Feb. 28, 1925, c. 368, § 212, 43 Stat. 1069)

See notes at the beginning of this Title.

§ 7285a. Special delivery matter; delivery without taking receipt—The Postmaster General may under such rules and regulations as he shall prescribe, authorize the delivery of special-delivery matter without obtaining a receipt therefor. Provided further, That nothing herein contained shall be construed as excusing the delivery of special-delivery matter by messenger in the first instance. (June 19, 1922, c. 227, § 1, 42 Stat 656)

From the Post Office Department appropriation act for the year 1923, cited above The same provision is contained in prior acts

§ 7293. Special delivery; use of ordinary stamps—When, in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or covering ordinary postage stamps of any denomination equivalent to the value fixed by law to procure the immediate delivery of any mail matter, with the words "special-delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster General may prescribe, said letter or package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp (March 2, 1907, c 2561, 34 Stat. 1244, amended, Feb 28, 1925, c. 368, § 213, 43 Stat 1069)

This section was amended by Act Feb 28, 1925, c. 368, § 213, cited above, to read as set forth above.
See notes at the beginning of this Title

§ 7293a. Ascertainment of revenues derived from and cost of carrying and handling several classes of mail matter; statement of annually; payment of cost—The Postmaster General is hereby authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually as far as practicable and pay the cost thereof out of the appropriation for inland transportation by railroad routes. (Feb. 28, 1925, c. 368, § 214, 43 Stat. 1069.)

See notes at the beginning of this Title.
Act April 24, 1920, c 161, 41 Stat 583 (§ 6 of postal service appropriation act for year 1921), created a commission and an advisory council to investigate methods and systems of handling, dispatching, transporting, and delivering the mails, which commission was required to report to Congress on or before March 1, 1921. The commission was continued until June 30, 1922, by Act March 1, 1921, c. 88, § 3, 41 Stat 1115, and until June 30, 1923, by Act June 19, 1922, c 227, § 2, 42 Stat 659.

§ 7300. Rural Mail Delivery Service; carriers; salaries—The salary of carriers in the Rural Mail Delivery Service for serving a rural route of twenty-four miles six days in the week shall be $1,800; on routes twenty-two miles and less than twenty-four miles, $1,728; on routes twenty miles and less than twenty-two miles, $1,620; on routes eighteen miles and less than twenty miles, $1,440; on routes sixteen miles and less than eighteen miles, $1,260; on routes fourteen miles and less than sixteen miles, $1,080; on routes twelve miles and less than fourteen miles, $1,008, on routes ten miles and less than twelve miles, $936; on routes eight miles and less than ten miles, $864; on routes six miles and less than eight miles, $792; on routes four miles and less than six miles, $720. Each rural carrier assigned to a route on which daily service is performed shall receive $30 per mile per annum for each mile said route is in excess of twenty-four miles or major fraction thereof, based on actual mileage, and each rural carrier assigned to a route on which triweekly service is performed shall receive $15 per mile for each mile said route is in excess of twenty-four miles or major fraction thereof, based on actual mileage. (Feb. 28, 1925, c. 368, § 8, 43 Stat. 1063.)

See notes at the beginning of this Title.

§ 7300a(1). Same; carriers; equipment maintenance—In addition to the salary herein provided, each carrier in Rural Mail Delivery Service shall be paid for equipment maintenance a sum equal to 4 cents per mile per day for each mile or major fraction of a mile scheduled Payments for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers (Feb 28, 1925, c. 368 § 8, 43 Stat 1064)

See notes at the beginning of this Title

§ 7300a(2). Determination of pay of rural carriers and substitute rural carriers depending on length of route—Hereafter the pay of rural carriers and substitute rural carriers, which depends upon the length of the route, shall be determined in accordance with the records of the Post Office Department, which records shall be promptly corrected whenever the Postmaster General determines that such records are not correct. (April 24, 1920, c. 161, § 1, 41 Stat 582)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above

§ 7300a(3). Rural Mail Delivery Service; carriers; salaries; deductions—Deductions for failure to perform service on a standard rural delivery route for twenty-four miles and less shall not exceed the rate of pay per mile for service for twenty-four miles and less; and deductions for failure to perform service on mileage in excess of twenty-four miles shall not exceed the rate of compensation allowed for such excess mileage (Feb 28, 1925, c. 368. § 8, 43 Stat 1064)

See notes at the beginning of this Title

§ 7300a(4). Same; carriers; salaries; carriers and substitute in village delivery service—The pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,150 to $1,350 per annum The pay of substitute letter carriers in the village delivery service shall be at the rate of 50 cents per hour. (Feb. 28, 1925, c. 368, § 10, 43 Stat 1064)

See notes at the beginning of this Title

§ 7300a(4½). Same; carriers; salaries; carriers serving triweekly routes—A rural carrier serving one triweekly route shall be paid a salary and equipment allowance on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary and equipment allowance on the basis of a route one-half of the combined length of the two routes. (Feb 28, 1925, c. 368, § 8, 43 Stat. 1064.)

See notes at the beginning of this Title

§ 7300a(4¾). Salaries of requisition fillers and packers in division of equipment and supplies—The salary of requisition fillers and packers in the division of equipment and supplies shall be as follows: One foreman, $2,100 per annum; ten requisition fillers and nine packers at $1,800 each per annum. (Feb. 28, 1925, c. 368, § 9, 43 Stat. 1064.)

See notes at the beginning of this Title.

§ 7300a(5). Temporary reduction of pay of rural carriers—That the Postmaster General be, and he is hereby, authorized in his discretion, whenever for disciplinary purposes he deems it advisable to do so, to reduce temporarily the pay of rural carriers: Provided, That in no case shall such a reduction in pay be of more than one grade as fixed by the Act of June 5, 1920, nor extend over a greater period of time than one year. (Sept. 21, 1922, c. 363, 42 Stat 993.)

This section is an act entitled "An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay," cited above.

§ 7300b. Rural carrier on Lake Winnepesaukee—Hereafter the compensation for the carrier of mail on Lake Winnepesaukee from the post office at Laconia, New Hampshire, who furnishes his own equipment shall be $1,800 per annum (Feb. 28, 1919, c. 69, § 1, 40 Stat 1194)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above It has been repeated in prior appropriation acts

§ 7301a. Motor vehicle truck routes and motor express routes—To promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer and the delivery to producers of articles necessary in the production of such food products, the Postmaster General is hereby authorized to conduct experiments in the operation of motor vehicle truck routes, to be selected by him The Postmaster General is further authorized to conduct experiments in the operation of country motor express routes, which shall be primarily operated as a means of expediting the transportation of fourth-class mail between producing and consuming localities and shall not displace or supplant any existing methods of mail transportation or delivery These two classes of experiments shall be conducted under such rules and regulations, including modifications in rates of postage and in packing and wrapping requirements, as the Postmaster General may prescribe, and to defray the cost thereof the sum of $300,000 is hereby appropriated:

Provided, That mail other than that of the fourth class shall not be dispatched on experimental motor vehicle truck routes or on experimental country motor express routes unless the same can be expedited thereby in delivery at destination:

Provided further, That separate accounts shall be kept of the amount of all the mail of all classes carried on such routes. The Postmaster General shall report to Congress the result of such experiments at the beginning of the next regular session. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1198)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above It supersedes somewhat similar provisions in Act July 2, 1918, c. 117, § 7, 40 Stat 753.

Chapter Three—Mail-Matter

§ 7315. [Superseded in part.]

This section (Act March 3, 1879, c. 180, § 17, 20 Stat. 359) is superseded, at least in part by section 206 of Act Feb 28, 1925, c 368, post, § 7315a. See, also, notes at the beginning of this Title

§ 7315a. Third class matter; rate of postage—(a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 207.

(b) The rate of postage thereon shall be 1½ cents for each two ounces or fraction thereof, up to and including eight ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding eight ounces in weight, shall be 1 cent for each two ounces or fraction thereof.

(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account

of classification. (Feb 28, 1925, c. 368, § 206, 43 Stat 1067.)

This section supersedes the cognate provisions in Act March 3 1879, c 180, § 17, 20 Stat 359
See notes at the beginning of this Title

§ 7319(1a). Fourth class matter; minimum weight—(a) Mail matter of the fourth class shall weigh in excess of eight ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter) proof sheets, corrected proof sheets and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206. (Feb 28, 1925, c 368, § 207(a), 43 Stat 1067.)

See notes at the beginning of this Title

§ 7321(3a). Fourth class matter; rates of postage; service charge—(b) On fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the Act of August 24, 1912, and in addition thereto there shall be a service charge of 2 cents for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General. (Feb. 28, 1925, c. 368, § 207(b), 43 Stat. 1067.)

See notes at the beginning of this Title

§ 7321(3b). Same; special handling—Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "Special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class. (Feb 28, 1925, c. 368, § 207(b), 43 Stat. 1067.)

See notes at the beginning of this Title.

§ 7321(3c). Same; change in classification, etc.—The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones and other conditions of mailability under this section if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof. (Feb. 28, 1925, c. 368, § 207(b), 43 Stat 1067.)

See notes at the beginning of this Title

§ 7321(3d). Same; experimental transportation of food products—(c) That during the twelve months next succeeding the approval of this Act, the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than fifty rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: Provided, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service

A report on the progress of this experiment shall be made to Congress at the next regular session. (Feb. 28, 1925, c 368, § 207(c), 43 Stat. 1068.)

See notes at the beginning of this Title

§ 7324a. Fourth-class matter; regulations for insurance of parcels, and for collection of postage extended to third-class domestic mail—The requirement of section 8 of the Act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (Thirty-seventh Statutes at Large, pages 557, 558, and 559), applicable to fourth-class (parcel post) mail: "That the Postmaster General shall make provision by regulation for the indemnification of shippers for shipment injured or lost, by insurance or otherwise, and when desired for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional service," is hereby extended to cover third-class domestic mail. (June 7, 1924, c 347, 43 Stat. 652.)

This section is an act entitled "An Act to extend the insurance and collect on delivery service to third-class mail matter, and for other purposes," cited above

§ 7324b. Fourth class matter; fee for insurance; receipt of delivery—(a) The fee for insurance shall be 5 cents for indemnification not to exceed $5, 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery. (Feb. 28, 1925, c. 368, § 211(a), 43 Stat. 1069.)

See notes at the beginning of this Title.

§ 7324c. Same; collect on delivery fee—(b) The fee for collect-on-delivery service shall be 12 cents for collections not to exceed $10; 15 cents for collections not to exceed $50; and 25 cents for collections not to exceed $100. (Feb. 28, 1925, c. 368, § 211(b), 43 Stat 1069)

See notes at the beginning of this Title.

§ 7324d. Same; acts continued in effect—(c) The provisions of the Act entitled "An Act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924, and of section 8 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes" approved August 24, 1912, with respect to the insurance and collect-on-delivery services, are hereby continued in force. (Feb. 28, 1925, c. 368, § 211(c), 43 Stat. 1069.)

See notes at the beginning of this Title.

§ 7325a. [Repealed.]

This section (a part of Act April 24, 1914, c. 69, 38 Stat. 346, amending Act March 9, 1914, c 33, 38 Stat 304) is repealed by § 215 of Act Feb. 28, 1925, c. 368, 43 Stat. 1070. See § 7217, and note thereunder.

§ 7326. [Repealed.]

This section (a part of Act April 24, 1914, c. 69, 38 Stat. 346 amending Act March 9, 1911, c. 33, 38 Stat. 964) is repealed by § 215 of Act Feb. 28, 1925, c. 368, 43 Stat. 1070. See § 7217, and note thereunder.

Chapter Four—Postage

§ 7345a. Acceptance and delivery of prepaid first class matter without stamps affixed—The Postmaster General, under such regulations as he may prescribe for the collection of such postage, is hereby authorized to accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law. (April 24, 1920, c. 161, § 5, 41 Stat. 583.)

This section is § 5 of the postal service appropriation act for the fiscal year 1921, cited above.

§ 7349a. Forwarding or returning to sender charged with postage certain fourth-class mail matter—Hereafter, under such regulations as the Postmaster General may prescribe, fourth-class matter of obvious value which is of a perishable nature may be forwarded to the addressee at another post office charged with the amount of the forwarding postage, and when such matter of a perishable nature is undeliverable to the addressee it may be returned to the sender charged with the return postage: Provided, That other undeliverable matter of the second, third, and fourth classes may be forwarded to the addressee or to such other person as the sender may direct, at another post office, charged with the amount of the forwarding postage, or it may be returned to the sender charged with the return postage, when it bears the sender's pledge that the postage for forwarding and return will be paid, such postage to be collected on delivery: Provided further, That when the sender refuses to furnish such postage in accordance with his pledge, the acceptance from him of further matter bearing such pledge may be refused. (Nov. 19, 1919, c. 119, 41 Stat. 360.)

This is an act entitled "An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter," cited above.

§ 7354a. [Repealed.]

This section, which was a part of § 1100 of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 327, was repealed by § 1401 of the Revenue Act of 1918, to take effect July 1, 1919, post, § 7354aa.

§ 7354aa. Repeal of §§ 1100, 1107, of Revenue Act of 1917; postage on first class matter; letters written by soldiers in foreign countries—Section 1100 of the Revenue Act of 1917 is hereby repealed, to take effect on July 1, 1919, and thereafter the rate of postage on all mail matter of the first class shall be the same as the rate in force on October 2, 1917: Provided, That letters written and mailed by soldiers, sailors, and marines assigned to duty in a foreign country engaged in the present war may be mailed free of postage, subject to such rules and regulations as may be prescribed by the Postmaster General.

Section 1107 of such Act is hereby repealed, to take effect July 11, 1919. (Feb. 24, 1919, c. 18, § 1401, 40 Stat. 1150.)

This section is § 1401 of Title XIV—General Provisions of the Revenue Act of 1918, cited above.

§ 7354b. [Repealed.]

This section, which was § 1107 of the Revenue Act of 1917, Act Oct. 3, 1917, c. 63, 40 Stat. 328, was repealed by a provision of § 1401 of the Revenue Act of 1918 (Act Feb. 24, 1919, c. 24), to take effect July 11, 1919, ante, § 7354aa.

§ 7355. [Superseded in part.]

This section (Act May 19, 1898, c. 347, 30 Stat. 419) is superseded in part by § 201 of Act Feb. 28, 1925, c. 368, post, § 7355a.

§ 7355a. Postage on private mailing cards—The rate of postage on private mailing cards described in the Act entitled "An Act to amend the postal laws relating to use of postal cards," approved May 19, 1898, shall be 2 cents each. (Feb. 28, 1925, c. 368, § 201, 43 Stat. 1066.)

This section supersedes the cognate provision in Act May 19, 1898, c. 347, 30 Stat. 419.
See notes at the beginning of this Title.

§ 7358. [Superseded.]

This section (Act March 3, 1885, c. 342, § 1, 23 Stat. 387) is superseded by Act Feb. 28, 1925, c. 368, § 202, post, § 7358ee.

§§ 7358a–7358d. [Repealed.]

These sections (§§ 1101, 1103–1105 of the Revenue Act of 1917) are repealed by § 215 of Act Feb. 28, 1925, c. 368, 43 Stat. 1070. See notes at the beginning of this Title.

§ 7358e. Postage on proofs of advertisements intended for publications entered as second-class matter—Single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter. (March 3, 1923, c. 215, 42 Stat. 1434.)

This section is an act entitled "An act fixing rates of postage on certain kinds of printed matter," cited above.

§ 7358ee. Postage on second-class matter sent by publisher or news agent; second-class matter issued by religious, etc., organizations; second-class matter for delivery by carriers; statements, etc., filed by publishers—(a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per centum of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound, or fraction thereof;

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first and second zones, 2 cents, and third zone, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 9 cents:

(3) The rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

(b) Where the space devoted to advertisements does not exceed five per centum of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section when deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law, and nothing in this Act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication The Postmaster General may hereafter require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing

(d) With the first mailing of each issue of each such publication, the publisher shall file with the postmaster a copy of such issue together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon. (Feb 28, 1925, c 368, § 202, 43 Stat 1066)

This section supersedes the cognate provision in Act March 3, 1885, c 342, § 1, 23 Stat 387, Oct 3, 1917, c 63, § 1101, 40 Stat 327.
See notes at the beginning of this Title.

§ 7360a. [Repealed]

This section (§ 1102 of the Revenue Act of 1917) is repealed by § 215 of Act Feb 28, 1925, c 368, 43 Stat. 1070
See notes at the beginning of this Title

§ 7361. [Repealed]

This section (Act June 9, 1884, c 73, 23 Stat 40) is repealed by § 215 of Act Feb 28, 1925, c 368, 43 Stat. 1070
See notes at the beginning of this Title

§ 7361a. [Repealed.]

This section (§ 1106 of the Revenue Act of 1917) is repealed by § 215 of Act Feb 28, 1925, c. 368, 43 Stat 1070
See notes at the beginning of this Title.

§ 7361aa. Postage on second-class matter mailed by others than publishers or news agents—The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 2 cents for each two ounces or fraction thereof, for weights not exceeding eight ounces, and for weights of such matter exceeding eight ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto (Feb. 28, 1925, c 368, § 203, 43 Stat 1067)

This section supersedes the cognate provision in Act June 9, 1884, c. 73, 23 Stat 40.
See notes at the beginning of this Title

§ 7361aaa. Postage on second-class matter not exceeding one pound—Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed one pound, the rate of postage shall be 1 cent. (Feb. 28, 1925, c. 368. § 204, 43 Stat. 1067)

See notes at the beginning of this Title

§ 7361aaaa. Zone rate to relate to entire bulk—The zone rates provided in section 202 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages (Feb. 28, 1925, c. 368, § 205, 43 Stat. 1067)

See notes at the beginning of this Title

§ 7376. Free transmission; official mail-matter relating to census; use of official indorsement to avoid payment of postage—All mail matter, of whatever class or weight, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: Provided, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction. (March 3, 1919. c. 97, § 29, 40 Stat 1301.)

This section is § 29 of an act entitled "An act to provide for the fourteenth and subsequent decennial censuses" cited above Section 34 of said act repeals Act July 2 1909, c 2, § 39, 36 Stat 10, which was identical with this section

§ 7380b. Free transmission; Bibles for blind furnished without charge; postage rate on Bibles furnished at cost price—Volumes of the Holy Scriptures, or any part thereof, in raised characters for the use of the blind, whether prepared by hand or printed, which do not contain advertisements, (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage, (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe (June 7, 1924, c. 375, 43 Stat 668)

This section is a resolution entitled a "Joint resolution to provide for the free transmission through mails of certain publications for the blind," cited above

§ 7385a. [Repealed.]

This section, which was a part of § 1100 of the Revenue Act of 1917, Act Oct 3, 1917, c 63, 40 Stat 327, was repealed by § 1401 of the Revenue Act of 1918, to take effect July 11, 1919, ante, § 7354aa

Chapter Five—Postage-Stamps, Postal Cards, and Envelopes

§ 7386.

The Postmaster General is authorized and directed to issue a special series of postage stamps, in such denominations and of such designs as he may determine, commemorative of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord and of the one hundred and fiftieth anniversary of such other major events of the Revolutionary War as he may deem appropriate, by Section 4 of Joint Res Jan. 14, 1925, c 79, 43 Stat 749

The Postmaster General is "authorized and directed to issue a special series of postage stamps, in such denominations and of such designs as he may determine, commemorative of the one hundred and fiftieth anniversary of the Battle of Bunker Hill and of the one hundred and fiftieth anniversary of such other major events of the Revolutionary War as he may deem appropriate," by Res March 2, 1925, c 398, § 4, 43 Stat 1099.

§ 7404a. Permits for special cancellation stamps or postmarking dies for post offices; when authorized; duration of; no expenditure of postal funds or appropriations—The Postmaster General be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only. First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit: Provided, That such permit shall not be for a longer period than six months and the duration of the event to be advertised. Provided further, That nothing is in this Act shall be construed to authorize the expenditure of any postal funds or appropriation either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee (May 11, 1922, c 186, § 1, 42 Stat 539)

This section, and the section next following, are an act entitled "An act authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies," cited above
The following acts authorized and permitted the use of

special canceling stamps in certain enumerated post offices

Act April 30, 1921, c 2, 42 Stat 3—Chicago post office, "Pageant of Progress Exposition, Chicago, July 30 to Aug 14, 1921"

Act Aug 24, 1921, c 83, 42 Stat 186—Birmingham, Ala., post office, 'Birmingham Semicentennial, October 24 to 29,"

Act Oct 5, 1921, c 99, 42 Stat 202—Michigan City Ind., post office, "Visit the Dunes Michigan City, Indiana, May 1, 1922, to November 1, 1922"

Act Oct 5, 1921, c 100, 42 Stat 203—Cincinnati post office, "Public Health Exposition, Cincinnati, Ohio, October 15 to 22, 1921"

Act Oct 20, 1921, c 111, 42 Stat 207—Omaha post office, "International Aero Congress, Omaha, November 3 to 5, 1921"

Act March 13, 1922, c 102, 42 Stat 421—Richmond post office, "Virginia Historical Pageant, Richmond Virginia, May 22 to 28, 1922," Phœnix post office 'Visit Phœnix, Arizona, April 24-29, United States Good Roads Week," Fayetteville, Arkansas, post office "Semicentennial, University of Arkansas, June 10-14, 1922 (fifty years of service)," Hutchinson, Kansas, post office, "Fiftieth Anniversary, Hutchinson and Reno County, Kansas State Fair, September 16-22, 1922," Pasadena post office Fiftieth Anniversary, Pasadena, All the Year 1924"

Act April 29, 1922, c 170, 42 Stat 502—Gloucester, Massachusetts, post office, "Don't Miss 300th Anniversary Celebration, Gloucester, Mass., August, 1923," Chicago post office, "Chicago Boys' Week, May 19-25, 1922," Sunbury, Pennsylvania, post office, "Old Home Week, 150 Birthday, July 1-2-3-4, 1922," Indianapolis post office, "Indiana Health Exposition, May 19-27, 1922, Indianapolis, Indiana," Chicago post office, "International Live Stock Exposition, Chicago, December 2nd to 9th, 1922," Chicago post office, "Pageant of Progress Exposition, Chicago, July 29 to August 14, 1922," Tacoma, Washington, post office, "See Rainier National Park via Tacoma, Season June-September 1922," Portsmouth, New Hampshire, and Dover, New Hampshire, post offices, "Three Hundredth Anniversary of the First Settlements in New Hampshire, 1623-1923"

§ 7404b. Same; revocation of permits—Any permission granted under this Act is hereby revocable in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes (May 11, 1922, c 186, § 2, 42 Stat. 540.)

See note to § 7404a, ante

§ 7404c. Use of precanceled stamped envelopes—The Postmaster General is authorized under such regulations as he may prescribe, to issue a permit to persons using Government stamped envelopes to deface the postage stamps thereon in connection with the placing on the envelopes of the name of the post office and State of mailing, together with such other indicia as may be prescribed (Feb. 20, 1925, c 275, 43 Stat 955)

This section is an act entitled 'An act authorizing the Postmaster General to permit the use of precanceled stamped envelopes," cited above

Chapter Six—Registered Mail

§ 7406a. Payment of limited indemnity claims by postmasters—Hereafter the Postmaster General may, under such rules and regulations as he shall prescribe, authorize postmasters to pay limited indemnity claims on insured and collect-on-delivery mail (April 24, 1920, c. 161, § 1, 41 Stat 581.)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above

§ 7408. Registered matter and fees—Mail matter shall be registered only on the application of the party posting the same, and the fees therefor shall not be less than 15 nor more than 20 cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct. But letters upon the official business of the Post-Office Department which require registering shall be registered free of charge, and pass through the mails free of charge. (R. S. § 3927, amended, Feb 28, 1925, c 368, § 209[a], 43 Stat. 1068.)

This section was amended by Act Feb. 28, 1925, c. 368, § 209(a), cited above, to read as set forth above See notes at the beginning of this Title

§ 7408a. Same; Postmaster General may fix—(b) Notwithstanding the provisions of such section as amended the Postmaster General may fix the fee for registered mail matter at any amount less than 20 cents (Feb 28, 1925, c. 368, § 209 [b], 43 Stat. 1068)

See ante, § 7408 See notes at the beginning of this Title

§ 7410. Receipt for delivery of—Whenever the sender shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery. (R. S. § 3928, amended, May 23, 1910, c. 255, 36 Stat. 416, and Feb 28, 1925, c. 368, § 210, 43 Stat 1068)

This section was again amended by Act Feb 28, 1925, c 368, § 10, cited above, to read as set forth above See notes at the beginning of this Title

Chapter Seven—Unclaimed, Dead and Request Letters, and Unclaimed Printed Matter

§ 7418. Return of undelivered letters—The Postmaster General may regulate the period during which undelivered letters shall remain in any post office and when they shall be returned to the dead-letter office, and he may make regulations for their return from the dead-letter office to the writers when they can not be delivered to the parties addressed Provided, That when letters are returned from the dead-letter office to the writers, a fee of 3 cents shall be collected at the time of delivery, under such rules and regulations as the Postmaster General may prescribe. (R. S. § 3936, amended, April 24, 1920, c. 161, § 4, 41 Stat. 583)

For this section, prior to the amendment by Act April 24, 1920, c 161, see U. S. Comp St 1918, § 7418

Chapter Eight—Contracts for Carrying the Mails

§ 7424.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c. 87, title II, 43 Stat. 785, contains the following provision:

"For inland transportation by star routes in Alaska, $170,000 Provided, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor"

§ 7429a. Transmission by pneumatic tubes in New York City and Brooklyn; contracts; rates—For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, at an annual rate of expenditure not in excess of $18,500 per mile of double line of tubes, including power labor, and all other operating expenses, * * *: Provided, That the provisions not inconsistent herewith of the Acts of April 21, 1902, and May 27, 1908, relating to the transmission of mail by pneumatic tubes or other similar devices, shall be applicable hereto: Provided further, That either party to the contract for the transmission of mail by pneumatic tubes or other similar devices may apply to the Interstate Commerce Commission at any time after October 1, 1922, and before July 1, 1923, for a revision of this rate, its decision to be effective after July 1, 1923, but in no case shall the rate exceed $19,500 per mile (June 19, 1922, c. 227, § 5, 42 Stat 661)

This is § 5 of the Post Office Department appropriation act for the year 1923, cited above For Act April 21, 1902, c. 563, § 1, and Act May 27, 1908, c 206, see U. S Comp. St 1918, §§ 7428, 7429.

§ 7430a. Aeroplanes for aeroplane mail service—For inland transportation by railroad routes and aeroplanes: Out of this appropriation the Postmaster General is authorized to expend not exceeding $550,500 for the purchase of aeroplanes and the operation and maintenance of aeroplane mail service between such points, including service to and between points in Alaska, as he may determine. (Feb 28, 1919, c. 69, § 1, 40 Stat 1194.)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above The same provision is contained in prior acts.

§ 7430aa. Contracts for aeroplane mail service—The Postmaster General may contract with any individual, firm, or corporation for the transportation of mail by aeroplane between such points as he may deem advisable and designate, in case such transportation service is furnished at a cost not greater than the actual cost of the same service by rail, and shall pay therefor out of the appropriation for inland transportation by railroad routes. (March 1, 1921, c 88, § 1, 41 Stat. 1152.)

From the postal service appropriation act for the year 1922, cited above. The same provision is contained in prior acts.

§ 7430b. Aeroplanes and automobiles for Postal Service—The Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department but suitable for the use of the Postal Service; and the Postmaster General is hereby authorized to use the same, in his discretion, in the transportation of the mails and to pay the necessary expenses thereof out of the appropriation for inland transportation by steamboat or other power boat or by aeroplanes or star route. (July 2, 1918, c. 117, § 8, 40 Stat. 753.)

This section is section 8 of the postal service appropriation act for the fiscal year 1919, cited above

§ 7430c. Purchase of equipment and supplies for aeroplane mail service—The Postmaster General in expending this appropriation shall purchase, as far as practicable, such available and suitable equipment and supplies for the aeroplane mail service as may be owned by or under construction for the War Department or the Navy Department when no longer required because of the cessation of war activities, and it shall be his duty to first ascertain if such articles of the character described may be secured from the War Department or the Navy Department before purchasing such equipment or supplies elsewhere. If such equipment or supplies, other than emergency supplies, are purchased elsewhere than from the War Department or the Navy Department, the Postmaster General shall report such action to Congress, together with the reasons for such purchases. All articles purchased from either of said departments shall be paid for at a reasonable price considering wear and tear and general condition. Said departments are authorized to sell such equipment and supplies to the Post Office Department under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: Provided further, That the Secretary of War and the Secretary of the Navy are hereby authorized and directed to deliver immediately to the Postmaster General, as he may request, and as hereinbefore provided, such aeroplane machines, supplies, equipment, and parts as may be serviceable and available for the aeroplane mail service, the same to be out of any equipment that the War Department or the Navy Department has on hand or under construction, the War Department and the Navy Department appropriations to be credited with the equipment turned over to the Post Office Department: And provided further, That separate accounts be kept of the amount expended for aeroplane mail service. (Feb. 28, 1919, c. 69, § 1, 40 Stat. 1194.)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1920, cited above

§ 7430d. Sale of unsuitable aviation material—The Postmaster General is authorized to sell under such rules and regulations as he may prescribe any airplanes, parts thereof, field equipment, tools and other aviation material which have become unsuitable in the postal service or which will deteriorate and become unsuitable before it can be used. The proceeds of such sales shall be covered into the Treasury as "Miscellaneous receipts." (June 5, 1920, c. 253, § 1, 41 Stat. 1031.)

This section is a provision of the third deficiency appropriation act for the fiscal year 1920, cited above

§ 7431a. Rates for transportation by electric and cable cars—For inland transportation of mail by electric and cable cars, * * Provided, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel: Provided further, That the rates for electric car service on routes over twenty miles in length outside of cities shall not exceed the rates paid for service on steam railroads: Provided, further, That not to exceed $25,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise. (April 24, 1920, c 161, § 1, 41 Stat 580.)

This section is a part of § 1 of the postal service appropriation act for the fiscal year 1921, cited above It has been substantially repeated in prior acts.

§ 7431aa. Same; rates fixed by Interstate Commerce Commission—The Interstate Commerce Commission is hereby empowered and directed as soon as practicable to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. And provided further, That it shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined $100. Each day of refusal shall constitute a separate offense. (July 2, 1918, c. 117, § 1, 40 Stat. 748.)

This section is a part of the postal service appropriation act for the fiscal year 1919, cited above.

§ 7446a. Readjustment of pay of star route, screen wagon, and other vehicle service—The Postmaster General is authorized to investigate conditions arising from contracts in the star route, screen wagon and other vehicle service entered into prior to June thirtieth, nineteen hundred and seventeen, and from contracts for furnishing envelopes, blanks and blank books, and the Official Postal Guide, for contracts entered into prior to June thirtieth, nineteen

hundred and seventeen, with a view to determining whether any adjustment should be made in the compensation and to adjust the same for materials or services hereafter to be furnished or rendered in cases where the facts disclose the necessity for such adjustment, or, in his discretion, with the consent of the contractor and his bondsmen, the Postmaster General may cancel such contracts (July 2, 1918, c 117, § 4, 40 Stat 753.)

This section is section 4 of the postal service appropriation act for the fiscal year 1919, cited above

§ 7454a. Water routes; carriage of mails as freight or express—For inland transportation by steamboat or other power-boat routes or by aeroplanes * * Hereafter, when there is no competition on a route and the rate of compensation asked is excessive, or no proposal is received, the Postmaster General may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of $500. Each day of refusal shall constitute a separate offense. (July 2, 1918, c. 117, § 1, 40 Stat. 747)

This section is a part of the postal service appropriation act for the fiscal year 1919, cited above

§ 7455b. Star routes served entirely by Rural Delivery Service—For inland transportation by star routes: * * Hereafter no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served by Rural Delivery Service, unless the services of a qualified rural carrier can not be secured. (July 2, 1918, c. 117, § 1, 40 Stat. 751.)

This section is a provision of the postal service appropriation act for the fiscal year 1919, cited above

Chapter Eight A—Air Mail

§ 7455½. Air mail; short title of act—This Act may be cited as the Air Mail Act (Feb. 2, 1925, c. 128, § 1, 43 Stat 805.)

This section, and the four sections next following, are an act entitled "An act to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service," cited above

§ 7455½a. Air mail defined—When used in this Act the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed. (Feb. 2, 1925, c. 128, § 2, 43 Stat. 805.)

See note to § 7455½, ante.

§ 7455½b. Same; postage rates—The rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof. (Feb. 2, 1925, c. 128, § 3, 43 Stat. 805.)

See note to § 7455½, ante

§ 7455½c. Same; contracts for transportation of air mail—The Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail. (Feb. 2, 1925, c. 128, § 4, 43 Stat. 805.)

See note to § 7455½, ante

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c. 556, § 1, 43 Stat. 1237, contains the following "Not to exceed $500,000 of the appropriation for railroad transportation and mail messenger service contained in the Treasury and Post Office Departments Appropriation Act for the fiscal year 1926 shall be available to meet such contracts as the Postmaster General may enter into during the fiscal year 1926 under the Act entitled 'An Act to encourage commercial aviation and to authorize the Postmaster General to contract for air mail service,' approved February 2, 1925. Provided, That separate accounts shall be kept of the amounts expended for contract air mail service Provided further, That $25,000 shall be available for the payment for personal services in the District of Columbia, printing, incidental and travel expenses."

§ 7455½d. Same; rules and regulations—The Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act: Provided, That nothing in this Act shall be construed to interfere with the postage charged or to be charged on Government operated air-mail routes (Feb 2, 1925, c. 128, § 5, 43 Stat. 806.)

See note to § 7455½, ante.

Chapter Nine—Carrying the Mail

§ 7463a. Emergency mail service in Alaska—The Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor. (Feb. 21, 1925, c. 283, 43 Stat. 960)

This section is an act entitled "An act authorizing the Postmaster General to provide emergency mail service in Alaska," cited above.

Chapter Nine A—Rural Post Roads

The provisions of the Federal Highway Act, and amendatory and supplementary acts are extended to the Territory of Hawaii by Act March 10, 1924, c 46, § 1, ante, § 8746b½

§ 7477bb. Definitions; rural post road—The Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to provide that the term "rural post roads," as used in section 2 of said Act, shall be construed to mean any public road a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart. (Feb 28, 1919, c 69, § 5, 40 Stat. 1200.)

This section is a part of § 5 of the postal service appropriation act for the year 1920, cited above. For Act July 11, 1916, c. 241, § 2, see U. S. Comp. St. 1918, § 7477b.

§ 7477c.

Section 1 of Act Feb. 12, 1925, c 219, 43 Stat. 889, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," reads as follows:

"For the purposes of carrying out the provisions of the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such Act as amended.

"The sum of $75,000,000 for the fiscal year ending June 30, 1926;

"The sum of $75,000,000 for the fiscal year ending June 30, 1927

"Immediately upon the passage of this Act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal Highway Act, approved November 9, 1921, the $75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1 next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropria-

tion herein authorized, or which may hereafter be authorized, for each fiscal year Provided That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto"

§ 7477cc. "Bridges" defined—For the purposes of this section and of the Acts heretofore making appropriations to aid the States in the construction of rural post roads the term 'bridges' includes railroad grade separations, whether by means of overhead or underpass crossings (June 19, 1922, c. 227, § 4, par. 3, 42 Stat 660)

From the Post Office Department appropriation act for the year 1923, cited above See note to § 7477c, ante

§ 7477ccc. Partial invalidity of section—If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby (June 19, 1922, c 227, § 4, par 7, 42 Stat 661.)

From the Post Office Department appropriation act for the year 1923, cited above See note to § 7477c, ante

§ 7477cccc. Acts and parts of acts repealed—All Acts or parts of Acts in any way inconsistent with the provisions of this section are hereby repealed. (June 19, 1922, c 227, § 4, par 8, 42 Stat 661)

From the Post Office Department appropriation act for the year 1923, cited above See note to § 7477c, ante

§ 7477ff. Limitation of payments—The payments which the Secretary of Agriculture may make from sums appropriated under this Act or any Act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed $16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span: and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this Act or any Act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed $15,000 per mile exclusive of the cost of bridges of more than twenty feet of clear span: Provided, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the Act entitled 'An Act to amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921 (Feb 28, 1919, c 69, § 5, 40 Stat 1201, amended, June 19, 1922, c 227, § 4, par 4, 42 Stat. 660)

This section was amended by Act June 19, 1922, c 227, § 4, par 4, 42 Stat 660, cited above, to read as set forth above Prior to this amendment the section read as follows "That section 6 of said act be further amended so that the limitation of payments not to exceed $10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span, which the Secretary of Agriculture may make, be, and the same is, increased to $20,000 per mile"
For Act Nov 9, 1921, c 119, see post, §§ 7477¼-7477¼y.
See, also, note to § 7477c, ante, and §§ 7477cc, 7477ccc, 7477cccc, ante.

§ 7477j. Appropriations; fund for states with constitutional prohibition against or limitation on internal improvements—For the purpose of carrying out the provisions of said Act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of $50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of $75,000,000 for the fiscal year ending June 30, 1920; and the sum of $75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said Act: Provided, That where the constitution of any State prohibits the same from engaging upon internal improvements or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the Act of July 11, 1916, or any Act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the Act of July 11, 1916, or any Act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the Act of July 11, 1916, or any Act amendatory thereof, upon receipt of the certification of the governor of such State to the existence of either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as hereinafter provided. Provided further, That when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State, for the purposes set forth in the Act of July 11, 1916, or any Act amendatory thereof, the sum withdrawn as hereinbefore provided. Provided further, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: Provided further, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful. (Feb 28, 1919, c. 69, § 6, 40 Stat 1201)

This section is § 6 of the postal service appropriation act for the fiscal year 1920, cited above.
See, ante, note to § 7477c, and §§ 7477cc, 7477ccc, 7477cccc, 7477ff

§ 7477k. Transfer of material, equipment, and supplies—That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road Act, approved July 11, 1916: Provided, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision. (Feb 28, 1919, c. 69, § 7, 40 Stat. 1201.)

This section is § 7 of the postal service appropriation act for the fiscal year 1920, cited above See, also, ante, §§ 6941f-6941k.

§ 7477k(1). Transfer of material, etc., by Secretary of War—That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Department of Agriculture under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," and Acts amendatory thereto for use in the improvement of highways and roads as therein provided, the following war materials, machinery, and equipment pertaining to the

Military Establishment out of the reserve stocks of the said Military Establishment, to wit One hundred five-ton caterpillar tractors complete with tools and spare parts, and one thousand motor trucks, three-quarter to five ton capacity The freight charges incurred in the transfer of the property provided for in this provision shall be defrayed by the Department of Agriculture and if the War Department shall load any of the said property for shipment, the expense of said loading shall be reimbursed to the War Department by the Department of Agriculture by an adjustment of the appropriations of the two departments The title to said materials, machinery, and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such materials, machinery and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation (March 4, 1925, c. 539, 43 Stat 1281)

This section is an act entitled "An act to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture," cited above

§ 7477kk. Transfer of tractors—The Secretary of War is hereby authorized and directed to transfer and deliver to the Secretary of Agriculture for distribution among the highway departments of the several States for use on roads constructed in whole or in part by Federal aid one thousand two hundred and fifty tractors owned by the War Department (March 3, 1921, c. 128, § 1, 41 Stat 1349.)

From the fortifications appropriation act for the year 1922, cited above

§ 7477l. Work on roads by officers or enlisted men of Army, Navy, or Marine Corps; consent thereto—No officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this Act except by his own consent. (Feb. 28, 1919, c. 69 § 9, 40 Stat. 1202)

This section is a part of § 9 of the postal service appropriation act for the fiscal year 1920, cited above

§ 7477m. Same; report to Congress as to—The Secretary of Agriculture through the War Department shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session. (Feb 28, 1919, c 69, § 9, 40 Stat. 1202)

This section is a part of § 9 of the postal service appropriation act for the fiscal year 1920, cited above

§ 7477n. Same; equalization of pay—When any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States), during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed. (Feb. 28, 1919, c. 69, § 9, 40 Stat. 1202)

This section is a part of § 9 of the postal service appropriation act for the fiscal year 1920, cited above

FEDERAL HIGHWAY ACT

§ 7477¼. Citation of act—This Act may be cited as the Federal Highway Act. (Nov. 9, 1921, c 119, § 1, 42 Stat 212)

This section, and §§ 7477¼a-7477¼d, 7477¼e-7477¼v, 7477¼w, 7477¼x, 7477¼y, are an act entitled 'An act to amend an act entitled 'An act to provide that the United States shall aid the States in the construction of rural post-roads and for other purposes' approved July 11, 1916 as amended and supplemented, and for other purposes," cited above, as amended

For the act referred to in the title of this act, see U. S Comp St 1918, §§ 7477a-7477l For the amendments and supplements thereto, see ante, §§ 7477bb, 7477ff, 7477j-7477n.

§ 7477¼a. Definitions—When used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping and costs of rights of way

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department. (Nov. 9, 1921, c. 119, § 2, 42 Stat. 212)

See note to § 7477¼, ante.

§ 7477¼b. Certain powers and duties of Council of National Defense transferred to Secretary of Agriculture; powers as to highways in national parks, military or naval reservations, and in Indian reservations—All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national

parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located. (Nov. 9, 1921, c. 119, § 3, 42 Stat 212)

See note to § 7477¼, ante

§ 7477¼c. Accounting division established—The Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts. (Nov 9, 1921, c 119, § 4, 42 Stat. 213)

See note to § 7477¼, ante.

§ 7477¼d. War material, equipment, and supplies transferred to Secretary of Agriculture by Secretary of War; distribution and use thereof—That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: Provided, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision. (Nov. 9, 1921, c. 119, § 5, 42 Stat. 213.)

See note to § 7477¼, ante. See ante, § 5281f

§ 7477¼dd. Exchange, reclamation, and disposition of explosives, etc.—The Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridging, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by the Federal Highway Act approved November 9, 1921, and Acts amendatory thereof or supplementary thereto. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridged, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: Provided, That the charges incident to the storage, handling, protection, exchange, reworking, reconditioning, cartridging, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products. (Feb. 12, 1925, c. 219, § 3, 43 Stat 890)

This section is section 3 of an act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," cited above. Section 6 of said act repeals all inconsistent acts or parts of acts, and provides that the act shall take effect on its passage

§ 7477¼e. Projects to receive Federal aid; approval by Secretary of Agriculture; division of highways into classes; primary or interstate highways; secondary or intercounty highways; proportion of aid to be expended upon different classes—In approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof. Provided, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: Provided, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage. (Nov. 9, 1921, c 119, § 6, 42 Stat. 213.)

See note to § 7477¼, ante.

§ 7477¼f. State funds required to be provided—Before any project shall be approved by the Secretary of Agriculture for any State such State shall

make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department (Nov. 9, 1921, c 119, § 7, 42 Stat 214)

See note to § 7477¼, ante

§ 7477¼g. Surface and materials to be used—Only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic. (Nov. 9, 1921, c. 119, § 8, 42 Stat 214)

See note to § 7477¼, ante

§ 7477¼h. No tolls; width of right of way and wearing surface of primary or interstate systems—All highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds

All highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles. (Nov. 9, 1921, c. 119, § 9, 42 Stat. 214.)

See note to § 7477¼, ante.

§ 7477¼i. Funds apportioned to states; when available—When any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State as herein provided. (Nov. 9, 1921, c. 119, § 10, 42 Stat. 214)

See note to § 7477¼, ante.

§ 7477¼j. Project statements; submission by states; approval by Secretary of Agriculture; submission and approval of surveys, plans, specifications and estimates; setting aside to states of share of Federal aid—Any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

When the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands, and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands, and nontaxable Indian lands, individual and tribal, in such State bears to the total area of such State: Provided, That the limitation of payments not to exceed $20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section Provided further, That these provisions relative to the public-land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921. (Nov. 9, 1921, c 119, § 11, 42 Stat 214, amended, Feb. 12, 1925, c. 219, § 4, 43 Stat 890)

This section was amended by Act Feb 12, 1925, c. 219, § 4, cited above, by inserting, after the words "unappropriated public lands," wherever they occur, the words "and nontaxable Indian lands, individual and tribal" See note to § 7477¼, ante

§ 7477¼k. Construction and reconstruction work—The construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act. (Nov. 9, 1921, c. 119, § 12, 42 Stat. 215)

See note to § 7477¼, ante

§ 7477¼l. Payment to states of amount of Federal aid set aside for projects; times and manner of making—When the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

The Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State. (Nov. 9, 1921, c. 119, § 13, 42 Stat. 215.)

See note to § 7477¼, ante.

§ 7477¼m. Failure of states to maintain highways; maintenance by Secretary of Agriculture; reimbursement of cost by states—Should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provi-

sions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: Provided, however That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions (Nov 9, 1921, c. 119, § 14, 42 Stat 215.)

See note to § 747714, ante

§ 747714n. Map of selected and approved highways and forest roads; supplementary maps—Within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction. (Nov 9, 1921, c. 119, § 15, 42 Stat. 216)

See note to § 747714, ante

§ 747714o. Conveyance to United States by railroad or canal companies of parts of rights of way or property—For the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States (Nov. 9, 1921, c. 119, § 16, 42 Stat. 216)

See note to § 747714, ante.

§ 747714p. Public lands or reservations adjacent to highways necessary for rights of way, etc.; map of; appropriation and transfer to State highway departments—If the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated. (Nov. 9, 1921, c. 119, § 17, 42 Stat. 216)

See note to § 747714, ante.

§ 747714q. Rules and regulations by Secretary of Agriculture—The Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon. (Nov 9, 1921, c. 119, § 18, 42 Stat 216)

See note to § 747714, ante

§ 747714r. Reports to Congress by Secretary of Agriculture—On or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request. (Nov. 9, 1921, c 119, § 19, 42 Stat. 216.)

See note to § 747714, ante

§ 747714s. Appropriations; amount—For the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, $75,000,000 for the fiscal year ending June 30, 1922, $25,000,000 of which shall become immediately available, and $50,000,000 of which shall become available January 1, 1922. (Nov. 9, 1921, c. 119, § 20, 42 Stat. 216.)

See note to § 747714, ante.

§ 747714t. Same; percentage deducted for administering act, etc.; apportionment of remainder among states; reapportionment—So much, not to exceed 2½ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner. One-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: Provided, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: Provided, further, That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: And provided further, That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time. (Nov. 9, 1921, c. 119, § 21, 42 Stat. 217.)

See note to § 7477¼, ante.

The Agriculture Department appropriation act for the year 1926, Act Feb. 10, 1925, c. 200, 43 Stat. 852, contains the following:

"Federal Aid Highway System. For carrying out the provisions of the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act as amended, $76,000,000, to remain available until expended, of which amount not to exceed $454,971 may be expended for departmental personal services in the District of Columbia, being $25,000,000, the remainder of the sum of $50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; $35,700,000, the remainder of the sum of $65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and $15,300,000, being part of the sum of $75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the Act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922."

§ 7477¼u. Same; certification to Secretary of Treasury of percentage to be deducted and apportionment to states.—Within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year. (Nov. 9, 1921, c. 119, § 22, 42 Stat. 217.)

See note to § 7477¼, ante.

§ 7477¼v. Same; for survey, construction, reconstruction, and maintenance of forest roads and trails; mode and manner of expenditure.—Out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of $5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and $10,000,000 for the fiscal year ending June 30 1923, available until expended.

(a) Fifty per centum, but not to exceed $3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than $5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work. (Nov. 9, 1921, c. 119, § 23, 42 Stat. 218.)

See note to § 7477¼, ante.

The Agriculture Department appropriation act for the year 1926, Act Feb. 10, 1925, c. 200, 43 Stat. 843, 852, contains the following:

'General Expenses, Bureau of Public Roads * * * The Secretary of Agriculture is authorized to expend not to exceed $25,000 of the administrative fund provided by the Federal Aid Road Act of July 11, 1916, as amended, for supervising the preparation, distribution, and use of picric acid, trinitrotoluol, trojan powder, and such other surplus war explosives as may be made available for use in clearing stumps and stones from agricultural land, independently or in cooperation with agricultural colleges and other agencies, and for investigating and reporting upon the results obtained from the use of the explosives: Provided, That expenditures hereunder shall be reimbursed to the administrative fund by charge to other Federal activities, agricultural colleges, or other agencies to which the explosives are distributed. * * *

"* * * Forest Roads and Trails: For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 $4,000,000 to remain available until expended, and of which amount not to exceed $7,000 may be expended for departmental personal services in the District of Columbia, being the remainder of the sum of $6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the Act making appropriations for the Post Office Department for the fiscal year 1924, approved June 19, 1923 * * *"

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c. 556 § 1, 43 Stat. 1326, contains the following:

"Forest roads and trails. For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 the Secretary of Agriculture is hereby authorized, immediately upon the approval of this Act, to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of $7,500,000 constituting the amount authorized to be appropriated for forest roads and trails for the fiscal year 1926 by section 2 of the Act approved February 12, 1925: Provided, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof."

Section 2 of Act Feb. 12, 1925, c. 219, 43 Stat. 889, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," reads as follows:

"For carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23.

"The sum of $7,500,000, for the fiscal year ending June 30, 1926.

"The sum of $7,500,000, for the fiscal year ending June 30, 1927."

§ 7477¼vv. Availability of appropriations—The appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the Act of July 11, 1916 and of section 23 of the Federal Highway Act of November 9, 1921, and Acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: Provided further, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment. (Feb. 26, 1923, c. 119, 42 Stat. 1321. June 5, 1924, c. 266, 43 Stat. 460. Feb. 10, 1925, c. 200, 43 Stat. 852.)

From the Agriculture Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 7477¼w. Aid to States not permitted by constitution or laws to provide revenue for highway purposes—In any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this Act, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit. (Feb. 12, 1925, c. 219, § 5, 43 Stat. 890)

This section is section 5 of an act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes' approved July 11, 1916, as amended and supplemented, and for other purposes," cited above. Section 6 of said act repeals all inconsistent acts or parts of acts, and provides that the act shall take effect on its passage.

Act Nov. 9, 1921, c. 119 § 24, 42, Stat. 218, as amended by Act June 19, 1922, c. 227 § 4, par. 5, 42 Stat. 661, read as follows: "In any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921 if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit."

§ 7477¼ww. False statements, etc., as to character, etc., of materials, etc., used; punishment—If any officer, agent or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal Highway Act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal Highway Act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal Highway Act or Acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed $10,000, or by both fine and imprisonment within said limits. (June 19, 1922, c. 227, § 4, par. 6, 42 Stat. 661)

From the Post Office Department appropriation act for the year 1923, cited above

§ 7477¼x. Partial invalidity of act—If any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby. (Nov. 9, 1921, c. 119, § 25, 42 Stat. 219.)

See note to § 7477¼, ante.

§ 7477¼y. Repeal; time of taking effect of act—All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage. (Nov. 9, 1921, c. 119, § 26, 42 Stat. 219)

See note to § 7477¼, ante.

Chapter Ten—Railway Service

§ 7504b. Lease of terminal railway post offices—Hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid quarterly, for a term not exceeding twenty years. (April 24, 1920, c. 161, § 1, 41 Stat. 580.)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above. The appropriation referred to is an appropriation for rental of space for terminal railway post offices made therein.

§ 7506a. Mail messenger service—In the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and

clerks at post offices of the fourth class may enter into contracts for the performance of mail messenger service, and allowance may be made therefor from the appropriations for mail messenger service. Provided further, That the total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed $300 in any one year; Provided further, That hereafter special delivery messengers at post offices of all classes may enter into contracts for mail messenger service (June 3, 1924, c. 237, 43 Stat 356.)

This section is a part of an act entitled "An Act authorizing the Postmaster General to contract for mail messenger service," cited above It supersedes similar provisions in Act July 28, 1916, c 261, § 1, 39 Stat 418

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c 556, § 1, 43 Stat. 1337, contains the following

"Office of the Second Assistant Postmaster General. For inland transportation by railroad routes and for mail messenger service, fiscal year 1925, $3,500,000 Provided, That separate accounts be kept of the amount expended for mail messenger service."

§ 7507.

See post, § 7509a.

§ 7508.

For current appropriation for expenses of general superintendent, etc, in the Railway Mail Service, see Act Jan 22, 1925, c 87, title II, 43 Stat 785

§ 7509. [Superseded in part.]

This section is superseded in part at least by Act Feb 28, 1925, c 368. See notes at the beginning of this Title.

§ 7509a. Salaries of division superintendents, assistant division superintendents, assistant superintendents at large, assistant superintendents in charge of car construction, chief clerks; and assistant chief clerks—The annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $4,500; assistant division superintendents and assistant superintendents at large, $3,600; assistant superintendent in charge of car construction, $3,300; chief clerks $3,300; assistant chief clerks, $2,800. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1061.)

See notes at the beginning of this Title

For current appropriation for division superintendents, etc, in the Railway Mail Service, see Act March 4, 1925, c 556, § 1, 43 Stat. 1338.

§ 7509b. Rating of clerks in charge of sections in offices of division superintendents—The clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at $2,800 salary. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

This section supersedes a similar provision in Act June 5, 1920, c 254, 41 Stat. 1052, except perhaps that part thereof which reads as follows "And the chief clerk in charge of car construction shall be designated as an assistant superintendent at $3,000 per annum" See notes at the beginning of this Title.

§ 7509c. Railway postal clerks; classes and grades; salaries—Railway postal clerks shall be divided into two classes, class A and class B, and into seven grades with annual salaries as follows: Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150, grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; grade 7, salary $2,700. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

See notes at the beginning of this Title.

§ 7509d. Laborers; grades; salaries—Laborers in the Railway Mail Service shall be divided into two grades with annual salaries as follows: Grade 1, salary $1,500; grade 2, $1,600. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

See notes at the beginning of this Title

§ 7509e. Same; promotion; readjustment of grades—Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1: Provided, That in the readjustment of the service to conform to the grades herein provided for laborers, grade 1 shall include laborers in present grade 1, and grade 2 shall include laborers in present grade 2. (Feb. 28, 1925, c. 368, § 7, 43 Stat 1062.)

See notes at the beginning of this Title

§ 7509f. Substitute railway postal clerks; probationary period; pay; credit for time served as probationers on appointment as regular clerks; promotion—Substitute railway postal clerks shall be paid for services actually performed at the rate of $1,850 per annum. the first year of service to constitute a probationary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1 Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

See notes at the beginning of this Title.

§ 7509g. Railway postal clerks; original appointments; time of promotion—All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of three hundred and six days in the next lower grade. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

See notes at the beginning of this Title

§ 7509h. Same; readjustment of grades—In the readjustment of the service to conform to the grades herein provided, grade 1 shall include clerks in present grade 1, grade 2 shall include clerks in present grade 2, grade 3 shall include clerks in present grade 3, grade 4 shall include clerks in present grade 4, grade 5 shall include clerks in present grade 5, and grade 6 shall include clerks in present grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062)

See notes at the beginning of this Title

§ 7509i. Substitute railway postal clerks; full time and travel expenses to clerks traveling under orders—Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed $3 per day, while on duty away from such headquarters When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062)

See notes at the beginning of this Title.

§ 7509j. Classes of railway post-office lines; promotion of clerks—Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6: Provided, That lines in present class A shall be continued in class A, and lines in present class B shall be continued in class B. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

See notes at the beginning of this Title.

§ 7509k. Classes of terminal railway post offices; promotion of clerks—Terminal railway post offices shall be divided into two classes, class A and

class B: those having less than twenty employees shall be assigned to class A, and those having twenty or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title

§ 7509l. Classes of transfer offices; promotion of clerks—Transfer offices shall be divided into two classes, class A and class B, those having less than five employees shall be assigned to class A and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4 and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title

§ 7509m. Clerk in charge defined—A clerk in charge is defined as a clerk in charge of a railway post office, terminal railway post office, or transfer office whether he performs service alone or has a crew of clerks under his supervision, or of a tour or a crew within a tour of a terminal railway post office or transfer office. (June 5, 1920, c. 254, 41 Stat. 1050.)

This section is a provision of Act June 5, 1920, c. 254, cited above. The act of Feb. 28, 1925, c. 368, which supersedes practically all of the act of June 5, 1920, contains no definition of a clerk in charge. See notes at the beginning of this Title.

§ 7509n. Promotion of clerks assigned to offices of division superintendents or chief clerks—Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title

§ 7509o. Promotion of examiners—Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title

§ 7509p. Railway postal clerks; hours of service; overtime pay or compensatory time—Service of clerks shall be based on an average of not exceeding eight hours daily for three hundred and six days per annum, including proper allowances for all service required on lay-off periods. Clerks required to perform service in excess of eight hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title.

§ 7509p. Hours of work for railway postal clerks assigned to terminal railway post offices and transfer offices, and laborers in Railway Mail Service; overtime pay—Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service shall be required to work not more than eight hours a day, and that the eight hours of service shall not extend over a longer period than ten consecutive hours, and that in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day, and for such additional service they shall be paid in proportion to their salaries as fixed by law. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title

§ 7509q. Railway postal clerks assigned to road duty; full time for delay to trains—Clerks assigned to road duty shall be credited with full time for delay to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

See notes at the beginning of this Title.

§ 7510. [Superseded in part.]

This section is superseded in part at least by Act Feb. 28, 1925, c. 368.

See notes at the beginning of this Title.

§§ 7511-7517. [Superseded.]

The sections (parts of Act Aug. 24, 1912, c. 389, 37 Stat. 556) are superseded by Act Feb. 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7517a. [Superseded.]

This section (a provision of Act March 3, 1917, c. 162, § 1, 39 Stat. 1065) is superseded by Act Feb. 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7519. Railway postal clerks; travel allowances—Hereafter, in addition to the salaries provided by law, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $3 per day. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

This section supersedes the cognate provisions in Act Aug. 24, 1912, c. 389, § 1, 37 Stat. 548, as amended by Act March 3, 1917, c. 162, § 1, 39 Stat. 1065, and by Act Feb. 28, 1919, c. 69, § 1, 40 Stat. 1195.

See notes at the beginning of this Title

§ 7523a. Railway postal clerks; full time to clerks deadheading under orders—Hereafter railway postal clerks and substitute railway postal clerks, shall be credited with full time when deadheading under orders of the department. (April 24, 1920, c. 161, § 1, 41 Stat. 580.)

This section is a provision of § 1 of the postal service appropriation act for the year 1921, cited above. Similar provisions are contained in prior acts.

Chapter Eleven—Foreign Mail Service

§ 7540.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan. 22, 1925, c. 87, title II, 43 Stat. 786, contains the following provision:

"The Postmaster General shall be authorized to expend such sums as may be necessary, not to exceed $150,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States, and not to exceed $3,000 for the salary of the Assistant Superintendent, Division of Foreign Mails, with headquarters at New York City * * *"

Chapter Twelve—Post-Office Inspectors

§ 7547. [Superseded in part.]

This section (R. S. § 4017 as amended) is superseded in part by Act Feb. 28, 1925, c. 368. See notes at the beginning of this Title.

§ 7547a. Grades and salaries of post office inspectors; promotions—Post-office inspectors shall be divided into six grades, as follows: Grade 1—salary, $2,800; grade 2—salary, $3,000; grade 3—

salary, $3,200; grade 4—salary, $3 500, grade 5—salary, $3,800, grade 6—salary $4,000 and there shall be fifteen inspectors in charge at $4,500 Provided, That in the readjustment of grades for inspectors to conform to the grades herein provided, inspectors who are now in present grades 1 and 2 shall be included in grade 1; inspectors who are now in present grade 3 shall be included in grade 2; inspectors who are now in present grade 4 shall be included in grade 3; inspectors who are now in present grade 5 shall be included in grade 4; inspectors who are now in present grade 6 shall be included in grade 5, and inspectors who are now in present grade 7 shall be included in grade 6 Provided further, That inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per centum of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by inspectors in their present grade shall be included in the year's service required for promotion in the grades provided herein, except as to inspectors in present grade 1 (Feb. 28, 1925, c. 368, § 2, 43 Stat 1055)

See notes at the beginning of this Title

§ 7547aa. Additional inspectors; appointment—The appointment of additional inspectors shall be made upon certification of the Civil Service Commission, as heretofore practiced (June 19, 1922, c 227, § 1, 42 Stat 655 Jan. 22, 1925, c 87, title II, 43 Stat. 784.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above A similar provision is contained in prior acts

§ 7548a. Expenses of inspectors engaged on official business away from homes—Inspectors shall be paid their actual expenses not to exceed $5 per day while engaged on official business away from their homes and official domiciles. The appropriation for per diem allowance authorized for the fiscal year beginning July 1, 1920, may be utilized for such expenses. (June 5, 1920, c 254, 41 Stat. 1052)

This section is a provision of an act entitled "An act to reclassify postmasters and employés of the Postal Service and readjust their salaries and compensation on an equitable basis," cited above It supersedes provisions for per diem to inspectors in prior Postal Service appropriation acts.

§ 7548b. Same; persons excepted—No per diem shall be paid to inspectors receiving annual salaries of $2,000 or more, except the thirty-two inspectors receiving $2,100 each * *. (April 24, 1920, c. 161, § 1, 41 Stat 574.)

This section is a provision of § 1 of the postal service appropriation act for the fiscal year 1921, cited above It has been repeated in prior acts

§ 7548bb. Expenses of inspectors and supervisory employees—Inspectors and supervisory employees of the Railway Mail Service and post offices shall be paid their actual expenses as fixed by law. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

See note at the beginning of this Title.

§ 7551a. Clerks at division headquarters; grades; promotions; transfer of clerks or carriers in city delivery service to position of clerks at division headquarters—Clerks at division headquarters of post-office inspectors shall be divided into six grades, as follows:

Grade 1—salary, $1,900, grade 2—salary, $2,000; grade 3—salary, $2,150; grade 4—salary, $2,300; grade 5—salary, $2,450, grade 6—salary, $2,600; and there shall be one chief clerk at each division headquarters at a salary of $3,000: Provided, That in the readjustment of grades for clerks at division headquarters to conform to the grades herein provided, clerks who are now in present grade 1 shall be included in grade 1; clerks who are now in present grade 2 shall be included in grade 2. clerks who are now in present grade 3 shall be included in grade 3; clerks who are now in present grade 4 shall be included in grade 4; clerks who are now in present grade 5 shall be included in grade 5, and clerks who are now in present grade 6 shall be included in grade 6 Provided further, That clerks at division headquarters shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade and not to exceed 35 per centum of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by clerks in their present grades shall be included in the year's service required for promotion in the grades provided herein: And provided further, That whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks or carriers in the city City Delivery Service from post offices at which division headquarters of post-office inspectors are located to the position of clerk at such division headquarters after passing a noncompetitive examination at a salary not to exceed $2,300 After such transfer is made effective clerks so transferred shall be eligible for promotion to the grades of salary provided for clerks at division headquarters of post-office inspectors. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055)

See notes at the beginning of this Title

§ 7551b. Clerks at division headquarters; substitutes—Hereafter when any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay. (Feb 28, 1925, c. 368, § 2, 43 Stat 1056.)

See notes at the beginning of this Title

Chapter Thirteen—The Money Order System

§ 7558. Amount of orders, and fees—A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows—

For orders not exceeding $2.50, 5 cents

For orders exceeding $2.50 and not exceeding $5, 7 cents

For orders exceeding $5 and not exceeding $10, 10 cents.

For orders exceeding $10 and not exceeding $20, 12 cents.

For orders exceeding $20 and not exceeding $40, 15 cents

For orders exceeding $40 and not exceeding $60, 18 cents

For orders exceeding $60 and not exceeding $80, 20 cents.

For orders exceeding $80 and not exceeding $100, 22 cents (March 3, 1883, c. 123, § 3, 22 Stat. 527, amended, Jan. 27, 1894, c. 21, § 2, 28 Stat. 31, and Feb. 28, 1925, c. 368, § 208, 43 Stat. 1068)

This section was again amended by Act Feb 28, 1925, c 368, § 208, cited above, to read as set forth above
See notes at the beginning of this Title

§ 7576. Report of funds—It shall be the duty of postmasters at post offices authorized to issue money orders to render to the comptroller, Bureau of Accounts, Post Office Department, quarterly, monthly, semimonthly, weekly, semiweekly, or daily accounts of all money orders issued and paid, of all fees received

for issuing them, of all transfers and payments made from money-order funds, and of all money received to be used for the payment of money orders or on account of money-order business. (R. S. § 4044, amended, Jan. 27, 1894, c. 21, § 8, 28 Stat. 32, and Feb. 18, 1925, c. 265, 43 Stat. 950.)

See notes at the beginning of this Title

Chapter Thirteen A—Postal Savings Depositories

§ 7585. Deposits; amount; cards and stamps for small amounts—At least one dollar, or a larger amount in multiples thereof, must be deposited before an account is opened with the person depositing the same, and one dollar, or multiples thereof, may be deposited after such account has been opened, but the balance to the credit of any person, upon which interest is payable, shall not exceed $1,000, exclusive of accumulated interest: Provided, That in order that smaller amounts may be accumulated for deposit, any person may purchase for 10 cents, from any postal-savings depository, specially prepared adhesive stamps to be known as "postal-savings stamps," and attach them to a card which shall be furnished for the purpose. A card with ten postal-savings stamps affixed shall be accepted as a deposit of $1 either in opening an account or in adding to an existing account, or may be redeemed in cash. It is hereby made the duty of the Postmaster-General to prepare such postal savings cards and postal savings stamps of denominations of ten cents, and to keep them on sale at every postal savings depository office, and to prescribe all necessary rules and regulations for the issue, sale, and cancellation thereof. (June 25, 1910, c. 386, § 6, 36 Stat. 815, amended, May 18, 1916, c. 126, § 1, 39 Stat. 159, and July 2, 1918, c. 117, § 13, 40 Stat. 754.)

This section was again amended by Act July 2, 1918, c. 117, § 13, cited above, by making changes in the proviso therein, as set forth above. Said proviso, prior to this amendment, read as follows: "Provided, That in order that smaller amounts may be accumulated for deposit any person may purchase for ten cents from any depository office a postal savings card to which may be attached specially prepared adhesive stamps to be known as 'postal savings stamps,' and when the stamps so attached amount to one dollar or a larger sum in multiples thereof, including the ten-cent postal savings card, the same may be presented as a deposit for opening an account and additions may be made to any account by means of such card and stamps in amounts of one dollar, or multiples thereof, and when a card and stamps thereto attached are accepted as a deposit the postmaster shall immediately cancel the same."

§ 7586a. Limit on deposits—Hereafter the balance to the credit of any one person in a postal-savings depository, exclusive of accumulated interest, shall not exceed $2,500. Non-interest paying deposits shall not be accepted. All laws inconsistent herewith are hereby repealed. (July 2, 1918, c. 117, § 12, 40 Stat. 754.)

This section is section 12 of the postal service appropriation act for the fiscal year 1919, cited above.

TITLE XLVII—FOREIGN RELATIONS

ENTRY INTO OR EXIT FROM UNITED STATES

§§ 7628e-7628h.

These sections (Act May 22, 1918, c. 81, 40 Stat. 559, entitled "An act to prevent in time of war departure from or entry into the United States contrary to the public safety") would seem, from their contents, to be applicable and effective whenever the United States is at war, and not confined to the World War; but from the trend of subsequent legislation it may be that they were intended to be applicable only to the World War and repealed by Res. March 3, 1921, c. 136, ante, § 3115½½f.

Act Nov. 10, 1919, c. 104, 41 Stat. 350, entitled "An act to regulate further the entry of aliens into the United States," read as follows:

"If the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

"(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe,

"(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this Act,

"(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another,

"(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use,

"(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use,

"(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé or other permit or evidence of permission to enter the United States:

"(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

"Sec. 2. Any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $5,000, or if a natural person imprisoned for not more than five years or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

"Sec. 3. The term 'United States' as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"The word person as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

"Sec. 4. In order to carry out the purposes and provisions of this Act the sum of $600,000 is hereby appropriated.

"Sec. 5. This Act shall take effect upon the date when the provisions of the Act of Congress approved the 22d day of May, 1918, entitled 'An Act to prevent in time of war departure from and entry into the United States, contrary to the public safety,' shall cease to be operative, and shall continue in force and effect until and including the 4th day of March, 1921."

Res. Dec. 24, 1919, c. 20, 41 Stat. 385, entitled a "Joint Resolution making immediately available the appropriation for the expenses of regulating further the entry of aliens into the United States," read as follows:

"So much of the sum of $600,000 appropriated by section 4 of Public Act numbered 79 of the Sixty-sixth Congress, entitled 'An Act to regulate further the entry of aliens into the United States,' as may be necessary is hereby made immediately available for expenses of regulating entry into the United States, in accordance with the provisions of the Act approved May 22, 1918: Provided, That not more than $450,000 of said sum shall be used during the remainder of the fiscal year 1920."

See, also, post, § 7628hh.

§ 7628hh. Passports and visés from aliens seeking entry into United States—The provisions of the Act approved May 22, 1918, shall, in so far as they relate to requiring passports and visés from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law. (March 2, 1921, c. 113, § 1, 41 Stat. 1217.)

From the Diplomatic and Consular Service appropriation act for the year 1922, cited above.

See ante, notes to §§ 7628e-7628h.

FEES FOR PASSPORTS AND VISÉS

§ 7628i. (1) Fees for passports and applications therefor; amounts; when not required—From and after the 1st day of July, 1920, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application for a passport and $9 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: Provided, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of $1 for executing an application for a passport: And provided further, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines, buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport. (June 4, 1920, c. 223, 41 Stat. 750.)

This section, and the three sections next following, are a part of the diplomatic and consular service appropriation act for the year 1921, cited above.

§ 7628j. (2) Fees for application for and visé of passports of aliens; amounts; when not required—From and after the 1st day of July, 1920, there shall be collected and paid into the Treasury of the United States quarterly a fee of $1 for executing each application of an alien for a visé and $9 for each visé of the passport of an alien: Provided, That no fee shall be collected from any officer of any foreign Government, or members of his immediate family, its armed forces, or of any State, district, or municipality thereof, traveling to or through the United States, or of any soldiers coming within the terms of the public resolution approved October 19, 1918 (Fortieth Statutes at Large, part 1, page 1014) (June 4, 1920, c. 223, 41 Stat. 750.)

See note to § 7628i, ante

§ 7628k. (3) Validity of passport or visé—The validity of a passport or visé shall be limited to two years, unless the Secretary of State shall by regulation limit the validity of such passport or visé to a shorter period. (June 4, 1920, c. 223, 41 Stat. 751.)

See note to § 7628i, ante.

§ 7628l. (4) Refusal of visé; return of fees—Whenever the appropriate officer within the United States of any foreign country refuses to visé a passport issued by the United States, the Department of State is hereby authorized upon request in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is hereby appropriated and directed to be paid upon the order of the Secretary of State. (June 4, 1920, c. 223, 41 Stat. 751.)

See note to § 7628i, ante.

EMBARGO ON EXPORTS

§ 7677. Export of arms or munitions of war to certain countries prohibited—Whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress. (Jan. 31, 1922, c. 44, § 1, 42 Stat 361)

This section, and the section next following, are sections 1 and 2 of a resolution entitled a "Joint resolution to prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," cited above. Section 3 of said resolution repeals Res April 22, 1898, No 25, 30 Stat. 739, and Res March 14, 1912, No 10, 37 Stat. 630 (amending Res April 22, 1898, No 25)

§ 7678. Same; violations; punishment—Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both. (Jan 31, 1922, c. 44, § 2, 42 Stat. 361.)

See note to § 7677, ante

§ 7678d.

The President is authorized to sell, through the Secretary of War, the arms and ammunition seized under the provisions of Act June 15, 1917, c 30, by Act Sept. 22, 1922, c. 399, 42 Stat 1012

PROTECTION OF UNIFORM OF FRIENDLY NATIONS

§ 7678¼. Unlawful wearing; punishment—It shall be unlawful for any person, with intent to deceive or mislead, within the United States or Territories, possessions, waters, or places subject to the jurisdiction of the United States, to wear any naval, military, police, or other official uniform, decoration, or regalia of any foreign State, nation, or Government with which the United States is at peace, or any uniform, decoration, or regalia so nearly resembling the same as to be calculated to deceive, unless such wearing thereof be authorized by such State, nation, or Government.

Any person who violates the provisions of this Act shall upon conviction be punished by a fine not exceeding $300 or imprisonment for not exceeding six months, or by both such fine and imprisonment. (July 8, 1918, c. 138, 40 Stat. 821.)

This section is an act entitled "An act providing for the protection of the uniform of friendly nations, and for other purposes," cited above

INTERNATIONAL BUREAUS, ETC.

§ 7683. Disposition of receipts for support of Pan American Union—Pan American Union. * * Any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of the union and of carrying out the orders of the said governing board. (June 1, 1922, c. 204, title I, 42 Stat. 606. Jan 3, 1923 c. 21, title I, 42 Stat. 1074. May 28, 1924, c 204, title I, 43 Stat. 212. Feb. 27, 1925, c. 364, title I, 43 Stat. 1020)

From the Departments of State and Justice, Judiciary and Departments of Commerce and Labor appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 7683a. United States agent; appointment—Arbitration of Outstanding Pecuniary Claims between the United States and Great Britain. * * Including salary * * and expenses of the tribunal, and of the agent to be appointed by the President, by and with the advice and consent of the Senate. * * (June 1, 1922, c. 204, title I, 42 Stat. 607. Jan. 3, 1923,

c 21, 42 Stat 1074 May 28, 1924, c 204, title I 43 Stat 213 Feb 27 1925, c 364 title I 43 Stat 1022)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provision is contained in prior acts

EMBASSIES, LEGATIONS, ETC

§ 7683½. Embassies, legations, or consular buildings; London—The President is hereby authorized to accept, on behalf of the United States, for use as a residence by the diplomatic representatives of the United States the land and buildings thereon known as numbers 13–14 Prince's Gate in the city of London, England and such other lands, and buildings as form a part of said property, presented by J. Pierpont Morgan: Provided, That the deed of transfer of said property to the United States shall be unconditional and free from encumbrance and shall convey such estate as may be held by the said J Pierpont Morgan· And provided further, That the property is held on freehold tenure and not on customary London ground lease. (March 2, 1921, c 113, § 1 41 Stat. 1214)

This section, and the three sections next following, are from the Diplomatic and Consular Service appropriation act for the year 1922, cited above.

§ 7683½a. Same; other cities; acquisition, etc.—For the acquisition of embassy, legation or consular buildings and grounds at any or all of the following places· Rome, Brussels, Berlin, Christiania, Athens, Belgrade, Bucharest Prague, Monrovia, Vienna, Budapest, Canton, Hankow, and Amoy, $300,000 Provided, That the limit of cost shall not exceed the sum of $150.000 at any one place: And provided further, That such acquisition shall be subject to the approval of the commission hereinafter constituted (March 2, 1921, c 113, § 1, 41 Stat. 1214.)

See note to § 7683½, ante

§ 7683½b. Same; commission to purchase—There is hereby constituted a commission composed of the chairman and the ranking minority member of the Committee on Foreign Relations of the Senate, the chairman and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives, the Secretary of State, and the Secretary of the Treasury, of which the chairman of the Committee on Foreign Relations of the Senate shall be the chairman, whose duty it shall be to consider and formulate plans or proposals for the purchase of embassy, legation, and consular buildings and grounds under the authority contained in this Act (March 2, 1921, c. 113, § 1, 41 Stat. 1214.)

See note to § 7683½, ante.

§ 7683½c. Same; purchase, etc., of buildings—With the approval of said commission and within a limit of cost at any one place of $150 000, the Secretary of State shall have power to purchase from any foreign government suitable buildings, or buildings and grounds, for embassy, legation, and consular purposes, separate or combined, in any city specified in connection with the foregoing appropriation of $300,000, and to effect payment therefor by causing the purchase price thereof to be credited upon the obligations or debts of such government then held by or owing to the United States, or by causing a part of such purchase price so to be credited, paying the remainder in money from applicable sums hereinbefore appropriated for the acquisition of embassy, legation, and consular buildings and grounds; and when the Secretary of State shall certify to the Secretary of the Treasury that a purchase has been made, the government from which made, and that a part or all of the purchase price is to be paid by crediting the same upon obligations or debts of said government then held by or owing to the United States, the date as of which said payment is to be made and the amount in United States dollars so to be credited, the Secretary of the Treasury is authorized and directed to credit the amount so certified upon unpaid principal or interest of obligations or debts of said foreign government held by the United States And provided further That the President is hereby authorized in his discretion to accept on behalf of the United States unconditional gifts of land, buildings, furniture, and furnishings, or any of them, for the use of diplomatic and consular offices and residences (March 2, 1921, c 113, § 1, 41 Stat 1214.)

See note to § 7683½, ante

§ 7683½d. Same; Paris—That the Secretary of State be, and he is hereby, empowered, at a cost not to exceed $300,000 for both site and building or buildings, to acquire in Paris a site, together with the building or buildings thereon, for the use of the diplomatic and consular establishments of the United States, and the appropriation of the sum of $150,000 is hereby authorized in addition to a like sum heretofore appropriated for this purpose. (March 4, 1923, c. 255, 42 Stat 1483)

This section is an act entitled "An act to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000 for the use of the diplomatic and consular establishments of the United States," cited above

§ 7683½e. Same; Tokyo—That the Secretary of State be, and he is hereby, empowered at a cost not exceeding $1,250,000, to acquire in Tokyo, Japan, additional land adjoining the site of the former American Embassy and such other land as may be necessary, and construct thereon suitable buildings for the use of the diplomatic and consular establishments of the United States, the said buildings to include residences for the diplomatic and consular representatives, and the furnishing of the same, and an appropriation of $1,150,000 is hereby authorized for this purpose, in addition to the sum of $100,000 already available. (Feb. 21, 1925, c 287, 43 Stat. 961)

This section is an act entitled "An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan," cited above.

UNITED STATES COURT FOR CHINA

§ 7692.

For current appropriation for the United States Court for China, see Act Feb 27, 1925, c 364, title I, 43 Stat 1025

§ 7692a. United States Commissioner; appointment; powers; compensation—The judge of the United States court for China is authorized to appoint, as in the district courts of the United States and with similar powers and tenure of office, a United States commissioner who shall be an attorney regularly admitted to practice before the said United States court for China and who, when appointed, shall be in addition ex officio judge of the consular court for the district of Shanghai, with all of the authority and jurisdiction now exercised by the vice consul acting by virtue of the Act of Congress of March 4, 1915 (Thirty-eighth United States Statutes at Large, part 1, third session, chapter 145, page 1122), which authority and jurisdiction are hereby transferred: Provided, That at the discretion of the judge of said court, he may appoint the clerk of the court to perform the duties of commissioner without additional compensation therefor. In the event that it is not practicable or desirable so to appoint the clerk to act as commissioner, the judge may, with approval of the Secretary of State, appoint some qualified attorney to act as commissioner who shall, if not an officer of the court, receive such compensation as may be fixed by the Secretary of State not exceeding $5 for each

day of service actually rendered. (June 4, 1920 c. 223, 41 Stat 746)

From the diplomatic and consular service appropriation act for the year 1921, cited above

§ 7692b. Judge and district attorney; expenses while in attendance on sessions of court in cities other than Shanghai—The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary actual expenses during such sessions, not to exceed $8 per day each * * * (June 1, 1922, c 204, title I, 42 Stat 609 Jan 3, 1923, c. 21, title I, 42 Stat 1077 May 28, 1924, c 204, title I, 43 Stat 215 Feb 27, 1925, c 364, title I, 43 Stat 1025.)

From the Departments of State and Justice, Judiciary and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provision is contained in prior acts.

The diplomatic and consular service appropriation act for the year 1921, Act June 4, 1920, c 223, 41 Stat 746 contained the following provision "In probate and administration proceedings there shall be collected by said clerk before entering the order of final distribution, to be paid into the Treasury of the United States, the same inheritance taxes from time to time collected under the laws enacted by the Congress of the United States from the estates of decedents residing within the territorial jurisdiction of the United States" This provision was repealed by par (c) of § 411, of the Revenue Act of 1921 (Act Nov 23, 1921, c 136, 42 Stat 284).

CHINA TRADE ACT, 1922

§ 7696¼. Citation of act—This Act may be cited as the "China Trade Act, 1922" (Sept. 19, 1922, c. 346, § 1, 42 Stat 849.)

This section, and the twenty-one sections next following, are §§ 1-20, 28, of an act entitled "An act to authorize the creation of corporations for the purpose of engaging in business within China," cited above, as amended Section 21 of said act amended the Revenue Act of 1921 by adding thereto a new section numbered 264, section 22 amended § 230 of the Revenue Act of 1921, section 23 amended § 238 of the Revenue Act of 1921, section 24 amended § 240 of the Revenue Act of 1921, section 25 amended § 2 of the Revenue Act of 1921; section 26 amended § 213 of the Revenue Act of 1921, and section 27 amended §§ 216, 234, and 245 of the Revenue Act of 1921—all of which sections were repealed by § 1100 of the Revenue Act of 1924, ante, § 6371⅝t, except § 2, which is set forth ante, as § 6371⅝a

Income tax on China Trade Corporations see ante, § 6336¼y

DEFINITIONS

§ 7696¼a. Definitions—When used in this Act, unless the context otherwise indicates,—

(a) The term "person" includes individual, partnership, corporation, and association,

(b) The term "China" means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

(c) The terms "China Trade Act corporation" and "corporation" mean a corporation chartered under the provisions of this Act;

(d) The term "federal district court" means any federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

(e) The term "Secretary" means the Secretary of Commerce; and

(f) The term "registrar" means the China Trade Act registrar appointed under section 3. (Sept. 19, 1922, c 346, § 2, 42 Stat 849.)

See note to § 7696¼, ante.

REGISTRAR

§ 7696¼b. Registrar; designation; station; supervision by Secretary of Commerce—The Secretary is authorized to designate as China Trade Act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary All functions vested in the registrar by this Act shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable. (Sept 19, 1922 c 346, § 3, 42 Stat 850)

See note to § 7696¼, ante

ARTICLES OF INCORPORATION

§ 7696¼c. Persons entitled to incorporate; articles of incorporation; contents; business prohibited; capital stock paid in—(a) Three or more individuals (hereinafter in this Act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this Act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed The articles of incorporation shall state—

(1) The name of the proposed China Trade Act corporation, which shall end with the legend, "Federal Inc. U S A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public:

(2) The location of its principal office, which shall be in the District of Columbia:

(3) The particular business in which the corporation is to engage;

(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock,

(5) The duration of the corporation, which may be for a period of not more than twenty-five years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods,

(6) The names and addresses of at least three individuals (a majority of whom, at the time of designation and during their term of office, shall be citizens of the United States), to be designated by the incorporators, who shall serve as temporary directors, and

(7) The fact that an amount equal to 25 per centum of the amount of the authorized capital stock has been in good faith subscribed to.

(c) A China Trade Act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business; nor engage in, nor be formed to engage in, the business of owning or operating any vessel, unless the controlling interest in such corporation is owned by citizens of the United States, within the meaning of section 2 of the Shipping Act, 1916, as amended

(d) No certificate of incorporation shall be delivered to a China Trade Act corporation and no incorporation shall be complete until at least 25 per centum of its authorized capital stock has been paid in in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors, and such corporation has filed a statement to this effect under oath with the registrar within six months after the issu-

ance of its certificate of incorporation except that the registrar may grant additional time for the filing of such statement upon application made prior to the expiration of such six months If any such corporation transacts business in violation of this subdivision or fails to file such statement within six months, or within such time as the registrar prescribes upon such application, the registrar shall institute proceedings under section 14 for the revocation of the certificate (Sept. 19, 1922, c. 346, § 4, 42 Stat 850, amended, Feb 26, 1925, c 345, §§ 1–5, 43 Stat. 995.)

This section was amended by Act Feb 26, 1925, c 345, §§ 1–5, cited above, by changing subdivision (a), paragraphs 6 and 7 of subdivision (b), and subdivision (c), thereof to read as set forth above, and by adding subdivision (d)

Prior to this amendment subd (a) read as follows "Five or more individuals (hereinafter in this Act referred to as 'incorporators'), a majority of whom are citizens of the United States, may, as hereinafter in this Act provided, form a District of Columbia corporation for the purpose of engaging in business within China"—and pars 6 and 7 of subd (b) read as follows· "The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors, and the fact that an amount equal to 25 per centum of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors"

See note to § 7696¼, ante.

CERTIFICATE OF INCORPORATION

§ 7696¼d. Certificate of incorporation; fee for—The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this Act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this Act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China Trade Act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation. (Sept. 19, 1922, c. 346, § 5, 42 Stat. 850.)

See note to § 7696¼, ante.

GENERAL POWERS

§ 7696¼e. General powers of corporation—In addition to the powers granted elsewhere in this Act, a China Trade Act corporation—

(a) Shall have the right of succession during the existence of the corporation;

(b) Shall have a corporate seal and may, with the approval of the Secretary, alter it.

(c) May sue and be sued;

(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

(e) May make contracts and incur liabilities;

(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

(g) May borrow money and issue its notes, coupon or registered bonds or other evidences of debt, and secure their payment by a mortgage of its property, and

(h) May establish such branch offices at such places in China as it deems advisable. (Sept 19, 1922, c 346, § 6, 42 Stat. 851, amended, Feb. 26, 1925, c. 345, § 6, 43 Stat 996)

This section was amended by Act Feb 26, 1925, c 345, § 6, cited above, by changing the word "may" at the beginning of subd (b) to "shall"

See note to § 7696¼, ante

SHARES OF STOCK

§ 7696¼f. Stock; par value; issue—Each share of the original or any subsequent issue of stock of a China Trade Act corporation shall be issued at not less than par value, and shall be paid for in cash, or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable, except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof. (Sept 19, 1922, c. 346, § 7, 42 Stat. 851, amended, Feb 26, 1925, c 345, § 7, 43 Stat. 996)

This section was amended by Act Feb 26, 1925, c. 345, § 7, cited above, to read as set forth above. Prior to this amendment this section read as follows.

"Each share of the original or any subsequent issue of stock of a China Trade Act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors No such share shall be issued until the amount of the par value thereof has been paid the corporation, and when issued, each share shall be held to be full paid and nonassessable, except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof."

See note to § 7696¼, ante

§ 7696¼g. Same; medium of payment for—No share of stock of a China Trade Act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property. (Sept. 19, 1922, c. 346, § 8, 42 Stat. 851.)

See note to § 7696¼, ante.

BY-LAWS

§ 7696¼h. By-laws—The by-laws may provide—(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special of the stockholders or directors;

(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors, and the president and the treasurer, or

each officer holding a corresponding office, shall, during their tenure of office, be citizens of the United States resident in China.

(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings (Sept 19, 1922, c 346, § 9, 42 Stat. 852, amended, Feb 26, 1925, c. 345, § 8, 43 Stat. 996)

This section was amended by Act Feb. 26, 1925, c 345, § 8 cited above, by changing subd (b) to read as set forth above Prior to this amendment subd (b) read as follows "The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors, but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China, and"
See note to § 7696¼, ante

STOCKHOLDERS' MEETINGS

§ 7696¼i. Stockholders' meeting; time and place of holding; notice of; quorum; adoption and amendment of by-laws; questions considered at; amendment of articles of incorporation—(a) Within six months after the issuance of the certificate of incorporation of a China Trade Act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least ninety days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, represented in person or by proxy, shall constitute a quorum at such meetings authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

(1) Adoption of the by-laws;

(2) Amendments to the articles of incorporation or by-laws;

(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

(4) Authorization of the voluntary dissolution of the corporation; and

(5) Authorization of application for the extension of the period of duration of the corporation.

(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this Act.

(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar (Sept. 19, 1922, c. 346, § 10, 42 Stat. 852, amended, Feb. 26, 1925, c. 345, § 9, 43 Stat. 996)

This section was amended by Act Feb. 26, 1925, c. 345, § 9, cited above, by inserting, in the third sentence of subd. (a), after the words "voting shares," the words "represented in person or by proxy."
See note to § 7696¼, ante.

DIRECTORS

§ 7696¼j. Directors; election; powers and duties—The directors designated in the articles of incorporation shall until their successors take office, direct the exercise of all powers of a China Trade Act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable. (Sept 19, 1922, c 346, § 11, 42 Stat. 852)

See note to § 7696¼, ante.

REPORTS AND INSPECTION OF RECORDS

§ 7696¼k. Fiscal year; reports; papers filed with registrar and Secretary—(a) For the purposes of this Act the fiscal year of a China Trade Act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year The corporation shall furnish a true copy of the report to each of its stockholders.

(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this Act The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this Act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed. (Sept. 19, 1922, c. 346, § 12, 42 Stat. 853.)

See note to § 7696¼, ante.

DIVIDENDS

§ 7696¼l. Dividends—Dividends declared by a China Trade Act corporation shall be derived wholly from the surplus profits of its business. (Sept. 19, 1922, c 346, § 13, 42 Stat. 853)

See note to § 7696¼, ante.

REVOCATION OF CERTIFICATE OF INCORPORATION

§ 7696¼m. Investigations by registrar; revocation of certificate of incorporation—The registrar may, in order to ascertain if the affairs of a China Trade Act corporation are conducted contrary to any provision of this Act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China Trade Act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable. (Sept. 19, 1922, c. 346, § 14, 42 Stat. 853.)

See note to § 7696¼, ante.

§ 7696¼n. Powers of registrar; witnesses; production of books, papers, documents, or evidence; depositions; contempt; privileges and immunities of witnesses; penalty for obstructing—(a) For the efficient administration of the functions vested in the registrar by this Act, he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within fifty miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken, under this section, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no natural person shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(d) For the efficient administration of the functions vested in the registrar by this Act, he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China Trade Act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States. (Sept. 19, 1922, c. 346, § 15, 42 Stat. 853.)

See note to § 7696¼, ante.

§ 7696¼o. Dissolution of corporation; trustee—In case of the voluntary dissolution of a China Trade Act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees. (Sept. 19, 1922, c. 346, § 16, 42 Stat. 854.)

See note to § 7696¼, ante.

REGULATIONS

§ 7696¼p. Regulations; fees—(a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this Act.

(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this Act. All fees and penalties paid under this Act shall be covered into the Treasury of the United States as miscellaneous receipts. (Sept. 19, 1922, c. 346, § 17, 42 Stat. 854.)

See note to § 7696¼, ante.

PENALTIES

§ 7696¼q. False representations or publications by corporation, director, officer, employee, or stockholder; penalty—No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China Trade Act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than ten years, or both. (Sept. 19, 1922, c. 346, § 18, 42 Stat. 855.)

See note to § 7696¼, ante.

§ 7696¼r. Unauthorized use of legend "Federal Inc. U. S. A."; penalty—No individual, partnership, or association, or corporation not incorporated under this Act or under a law of the United States, shall engage in business within China under a name in connection with which the legend "Federal Inc. U. S. A." is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation. (Sept. 19, 1922, c. 346, § 19, 42 Stat. 855.)

See note to § 7696¼, ante.

JURISDICTION OF SUITS AGAINST CORPORATION

§ 7696¼s. Jurisdiction of suits by or against corporation—(a) The Federal district courts shall have exclusive original jurisdiction of all suits (ex-

cept as provided by the Act entitled "An Act creating a United States Court for China and prescribing the jurisdiction thereof," approved June 30, 1906, as amended) to which a China Trade Act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business

(b) Every China Trade Act corporation shall maintain in the District of Columbia a person as its accredited agent upon whom legal process may be served, in any suit to be brought in the Supreme Court of the District of Columbia, and who is authorized to enter an appearance in its behalf In the event of the death or inability to serve, or the resignation or removal, of such person, such corporation shall, within such time as the Secretary by regulation prescribes, appoint a successor Such corporation shall file with the Secretary a certified copy of each power of attorney appointing a person under this subdivision, and a certified copy of the written consent of each person so appointed (Sept 19, 1922, c. 346, § 20, 42 Stat 855. amended, Feb 26, 1925, c. 345, § 10, 43 Stat 996)

This section was amended by Act Feb 26, 1925, c. 345, § 10, cited above, by adding subd (b)
See note to § 7696¼, ante.

RESERVATION OF RIGHT TO AMEND

§ 7696¼t. Alteration, amendment, or repeal of act—The Congress of the United States reserves the right to alter, amend, or repeal any provision of this Act (Sept 19, 1922, c. 346, § 28, 42 Stat. 856)

See note to § 7696¼, ante.

[RESTRICTION ON CREATION OF CORPORATIONS]

§ 7696¼tt. Corporations not to be created by other laws—Hereafter no corporation for the purpose of engaging in business within China shall be created under any law of the United States other than the China Trade Act. (Sept. 19, 1922, c. 346, § 29, added, Feb 26, 1925, c 345, § 13, 43 Stat 997)

This section was added to the China Trade Act by Act Feb 26, 1925, c. 345, § 13, cited above.
See note to § 7696¼, ante

TRAVELING SALESMEN OF FOREIGN NATIONS

§ 7696½. Licenses and certificates to traveling salesmen of certain foreign nations; fee for—The Secretary of Commerce, or any person in the Department of Commerce designated by him, is hereby authorized to issue the licenses and certificates of identification which are provided for by the said Articles I and II, respectively, of the said conventions, or which may be provided for by similar articles in any convention or treaty that may hereafter be concluded by the United States with a foreign Government, and is further authorized to collect a reasonable fee for each license and certificate of identification issued The amount of such fee shall be fixed by regulations made by the Secretary of Commerce and shall be paid into the Treasury of the United States quarterly. (Sept. 22, 1922, c. 414, 42 Stat. 1028.)

This section is an act entitled "An act to give effect to certain provisions of conventions with foreign governments for facilitating the work of traveling salesmen," cited above. Said act contains the following preamble.

"Whereas the United States has entered into conventions with the Governments of Uraguay, Guatemala, Salvador, Panama, and Venezuela which were signed on August 27, 1918, December 3, 1918, January 28, 1919, February 8, 1919, and July 3, 1919, respectively, for facilitating the work of traveling salesmen, and

"Whereas Articles I and II of each of said conventions read as follows:

"'Article I Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction

"'In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

"'Art II In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as commercial traveler This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be visèed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.'

"Now, therefore"

AMERICAN NATIONAL RED CROSS

§ 7701a. Executive committee of central committee—That section 5 of the Act for the incorporation of the American National Red Cross approved January 5 1905, be, and the same hereby is, amended so that the executive committee of the central committee shall consist of nine instead of seven persons, five of whom shall be a quorum. (March 3, 1921, c 131, § 1, 41 Stat 1354.)

This section is an amendment of Act Jan 5, 1905, c 23, § 5, 33 Stat 601, as amended (U S Comp St 1918, § 7701)

§ 7702a. Reimbursement of War Department for auditing accounts—The American National Red Cross annually shall reimburse the War Department for auditing the accounts of the American National Red Cross, as required by the Act approved February 27, 1917, and the sum so paid shall be covered into the Treasury of the United States as a miscellaneous receipt. (May 29, 1920, c. 214, § 1, 41 Stat. 659.)

From the legislative, executive, and judicial appropriation act, cited above

RELIEF OF POPULATION OF CERTAIN EUROPEAN COUNTRIES

§ 7706a. Food relief for certain peoples in Europe—For the participation by the Government of the United States in the furnishing of foodstuffs and other urgent supplies, and for the transportation, distribution, and administration thereof to such populations in Europe, and countries contiguous thereto, outside of Germany, German-Austria, Hungary, Bulgaria, and Turkey: Provided, however, That Armenians, Syrians, Greeks, and other Christian and Jewish populations of Asia Minor, now or formerly subjects of Turkey may be included within the populations to receive relief under this Act, as may be determined upon by the President from time to time as necessary, and for each and every purpose connected therewith, in the discretion of the President, there is appropriated out of any money in the Treasury not otherwise appropriated, $100,000.000, which may be used as a revolving fund until June thirtieth, nineteen hundred and nineteen, and which shall be audited in the same manner as other expenditures of the Government: Provided, That expenditures hereunder shall be reimbursed so far as possible by the Governments or subdivisions thereof or the peoples to whom relief is furnished: Provided further, That a report of the receipts, expenditures and an itemized statement of such receipts and expenditures made under this appropriation shall be submitted to Congress not later than the first day of the next regular session: And provided further, That so far as said fund shall be expended for the purchase of wheat

to be donated preference shall be given to grain grown in the United States (Feb 25 1919 c. 38, 40 Stat. 1161.)

This section is an act entitled "An Act providing for the relief of such populations in Europe, and countries contiguous thereto outside of Germany, German-Austria, Hungary, Bulgaria, and Turkey, as may be determined upon by the President as necessary," cited above

§ 7706aa. Extension of time for payment of debt incurred by Austria for purchase of flour from United States Grain Corporation—The Secretary of the Treasury is hereby authorized to extend, for a period not to exceed twenty-five years, the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and to release Austrian assets pledged for the payment of such loan, in whole or in part, as may in the judgment of the Secretary of the Treasury be necessary for the accomplishment of the purposes of this resolution: Provided, however, That substantially all the other creditor nations, to wit: Czechoslovakia, Denmark, France, Great Britain, Greece, Holland, Italy, Norway, Rumania, Sweden Switzerland, and Yugoslavia shall take action with regard to their respective claims against Austria similar to that herein set forth. The Secretary of the Treasury shall be authorized to decide when this proviso has been substantially complied with. (April 6, 1922, c 124, 42 Stat. 491.)

This is a resolution entitled a "Joint resolution authorizing the extension, for a period of not to exceed twenty-five years, of the time for the payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation, and for other purposes," cited above. The preambles to this resolution read as follows:

"Whereas the economic structure of Austria is approaching collapse and great numbers of the people of Austria are, in consequence, in imminent danger of starvation and threatened by diseases growing out of extreme privation and starvation, and

"Whereas this Government wishes to cooperate in relieving Austria from the immediate burden created by her outstanding debts: Therefore be it"

THE NEAR EAST RELIEF

§ 7706b. Incorporation; incorporators—The following persons, namely James L. Barton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkley, Alexander J. Hemphill, Charles R. Crane, William Howard Taft. Charles Evans Hughes, Elihu Root, Abram I. Elkus, Charles W. Eliot, Harry Pratt Judson, Charles E. Beury, Arthur J. Brown, John B. Calvert, William I. Chamberlain, Robert J. Cuddihy, Cleveland E. Dodge, William T. Ellis, James Cardinal Gibbons, David H. Greer, Harold A. Hatch, William I. Haven, Myron T. Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Millar, John R. Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T. Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Speer, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S Wise, their associates and successors duly chosen, are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of Near East Relief and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained. (Aug. 6, 1919, c. 32, § 1, 41 Stat. 273.)

This section, and the ten sections next following, are an act entitled "An act to incorporate the Near East Relief," cited above.

§ 7706c. Object of corporation—The object for which said corporation is incorporated shall be to provide relief and to assist in the repatriation, rehabilitation, and reestablishment of suffering and dependent people of the Near East and adjacent areas, to provide for the care of orphans and widows and to promote the social, economic, and industrial welfare of those who have been rendered destitute, or dependent directly or indirectly, by the vicissitudes of war, the cruelties of men or other causes beyond their control. (Aug. 6, 1919, c 32 § 2, 41 Stat. 273)

See note to § 7706b, ante

§ 7706d. Board of trustees—The direction and management of the affairs of the corporation, and the control of its property and funds, shall be vested in a board of trustees, to be composed of the following individuals: James L Barton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkley, Alexander J. Hemphill, Charles R Crane, William Howard Taft, Charles Evans Hughes, Elihu Root, Abram I. Elkus, Charles W. Eliot, Harry Pratt Judson, Charles E Beury, Arthur J. Brown, John B. Calvert, William I Chamberlain, Robert J. Cuddihy, Cleveland E. Dodge, William T Ellis, James Cardinal Gibbons, David H. Greer, Harold A Hatch, William I. Haven, Myron T Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Millar, John R Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Speer, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S Wise, who shall constitute the first board of trustees and constitute the members of the corporation Vacancies occurring by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as the by-laws shall prescribe, and the persons so elected shall thereupon become trustees and also members of the corporation. (Aug. 6, 1919, c 32, § 3, 41 Stat. 273.)

See note to § 7706b, ante.

§ 7706e. Principal office; meetings—The principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and meetings of the corporation or of the trustees and committees may be held in other places, such as the by-laws may from time to time fix. (Aug. 6, 1919, c. 32, § 4, 41 Stat. 273.)

See note to § 7706b, ante.

§ 7706f. Powers and duties of trustees—The said trustees shall be entitled to take, hold, and administer any securities, funds, or property which may be transferred to them for the purposes and objects hereinbefore enumerated by the existing and unincorporated American Committee for Armenian and Syrian Relief, and such other funds or property as may at any time be given, devised, or bequeathed to them or to such corporation, for the purposes of the trust; with full power from time to time to adopt a common seal, to appoint officers, whether members of the board of trustees or otherwise, and such employees as may be deemed necessary for carrying on the business of the corporation, and at such salaries or with such remuneration as they may think proper; and full power to adopt by-laws and such rules or regulations as may be necessary to secure the safe and convenient transaction of the business of the corporation. (Aug. 6, 1919, c. 32, § 5, 41 Stat 273.)

See note to § 7706b, ante.

§ 7706g. Organization of corporation—As soon as may be possible after the passage of this Act a meeting of the trustees hereinbefore named shall be called by Cleveland H. Dodge, Henry Morgenthau, Abram I. Elkus, Edwin M. Bulkley, Alexander J. Hemphill, William B. Millar, George T. Scott, James

L. Barton and Charles V. Vickrey, or any six of them at the borough of Manhattan, in the city of New York, by notice served in person or by mail, addressed to each trustee at his place of residence, and the said trustees named herein, or a majority thereof, being assembled, shall organize and proceed to adopt by-laws, to elect officers, and generally to organize the said corporation (Aug 6, 1919, c 32, § 6, 41 Stat. 274.)

See note to § 7706b, ante

§ 7706h. Annual and special meetings—A meeting of the incorporators, their associates, or successors, shall be held once in every year after the year of incorporation at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive boards shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed. (Aug. 6, 1919, c. 32, § 7, 41 Stat 274)

See note to § 7706b, ante

§ 7706i. Copy of constitution and by-laws filed with Congress; annual report—A copy of the constitution and by-laws and of all amendments thereto shall be filed with the Congress when adopted, and on or before the 1st day of April each year said corporation shall make and transmit to the Congress a report of its proceedings for the year ending December 31 preceding, including in such report the names and residences of its officers, and a full and itemized account of all receipts and expenditures. (Aug 6, 1919, c 32, § 8, 41 Stat. 274.)

See note to § 7706b, ante

§ 7706j. Certificates of stock; dividends; dissolution—The corporation shall have no power to issue certificates of stock or declare or pay any dividends, or otherwise distribute to its members any of its property, or the proceeds therefrom, or from its operations On dissolution of the corporation otherwise than by Act of Congress the property shall escheat to the United States. (Aug. 6, 1919, c. 32, § 9, 41 Stat. 274)

See note to § 7706b, ante

§ 7706k. Residence of officers and members—All members and officers of the corporations and of its governing body may reside in or be citizens of any place within the United States. (Aug. 6, 1919, c. 32, § 10, 41 Stat. 274.)

See note to § 7706b, ante

§ 7706l. Termination of franchise—The franchise herein granted shall terminate at the expiration of twenty-five years from the date of the approval of the Act; and that Congress reserves the right to repeal, alter, or amend this act at any time. (Aug. 6, 1919, c. 32, § 11, 41 Stat. 274.)

See note to § 7706b, ante.

REFUNDING OBLIGATIONS OF FOREIGN GOVERNMENTS

§ 7706m. World War Foreign Debt Commission; members; appointment—A World War Foreign Debt Commission is hereby created consisting of eight members, one of whom shall be the Secretary of the Treasury who shall serve as chairman, and seven of whom shall be appointed by the President, by and with the advice and consent of the Senate. Not more than four members so appointed shall be from the same political party. (Feb. 9, 1922, c. 47, § 1, 42 Stat. 363, amended, Feb. 28, 1923, c 146, § 2, 42 Stat. 1326.)

This section, and the four sections next following, are an act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," as amended, cited above

The section was amended by Act Feb 28, 1923, c. 146, § 2, cited above, to read as set forth above Section 3 of said Act Feb 28, 1923, c 146, 42 Stat 1327, reads as follows:

"That the provisions of section 2 of this Act shall not affect the tenure of office of any person who is a member of the World War Foreign Debt Commission at the time this Act takes effect."

Prior to this amendment this section read as follows "A World War Foreign Debt Commission is hereby created consisting of five members, one of whom shall be the Secretary of the Treasury, who shall serve as chairman, and four of whom shall be appointed by the President, by and with the advice and consent of the Senate"

§ 7706n. Powers of Commission as to refunding, conversion, or extension of time of payment of obligations of foreign governments—Subject to the approval of the President, the commission created by section 1 is hereby authorized to refund or convert, and to extend the time of payment of the principal or the interest, or both, of any obligation of any foreign Government now held by the United States of America, or any obligation of any foreign Government hereafter received by the United States of America (including obligations held by the United States Grain Corporation, the War Department, the Navy Department, or the American Relief Administration), arising out of the World War, into bonds or other obligations of such foreign Government in substitution for the bonds or other obligations of such Government now or hereafter held by the United States of America, in such form and of such terms, conditions, date or dates of maturity, and rate or rates of interest, and with such security, if any, as shall be deemed for the best interests of the United States of America: Provided, That the settlement of indebtedness of the United Kingdom of Great Britain and Ireland to the United States, as follows:

Principal of notes to be refunded		$4,074,818,358 44
Interest accrued and unpaid up to December 15, 1922, at the rate of 4¼ per cent		629,836,106.99
		4,704,654,465.43
Deduct payments made October 16, 1922, and November 15, 1922, with interest at 4¼ per cent. thereon to December 15, 1922		100,526,379 69
		4,604,128,085.74
To be paid in cash		4,128,085.74
Total principal of indebtedness as of December 15, 1922, for which British Government bonds are to be issued to the United States Government at par		4,600,000,000 00

The principal of the bonds shall be paid in annual installments on a fixed schedule, subject to the right of the British Government to make these payments in three-year periods. The amount of the first year's installment will be $23,000,000 and these annual installments will increase with due regularity during the life of the bonds until, in the sixty-second year, the amount of the installment will be $175,000,000, the aggregate installments being equal to the total principal of the debt.

The British Government shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' previous notice.

Interest is to be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year: At the rate of 3 per cent. per annum payable semiannually from December 15, 1922, to December 15, 1932, thereafter at the rate of 3½ per cent. per annum payable semiannually until final payment.

For the first five years one-half the interest may be deferred and added to the principal, bonds to be issued therefor similar to those of the original issue

Any payment of interest or of principal may be made in any United States Government bonds issued since April 6, 1917, such bonds to be taken at par and accrued interest—is hereby approved and authorized, and settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission created by the Act approved February 9 1922, may believe to be just, subject to the approval of the Congress by Act or joint resolution Provided further, That when the bond or other obligation of any such Government has been refunded or converted as herein provided, the authority of the commission over such refunded or converted bond or other obligation shall cease. (Feb 9, 1922, c. 47, § 2, 42 Stat 363, amended, Feb 28 1923, c 146, § 1, 42 Stat. 1325)

This section was amended by Act Feb 28, 1923 c 146, § 1, 42 Stat 1325, by changing the first proviso therein to read as set forth above

Prior to this amendment said proviso read as follows 'Provided, That nothing contained in this Act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4¼ per centum per annum'"

See note to § 7706m, ante.

§ 7706o. Exchange of bonds or obligations or cancellation of obligations not authorized—This Act shall not be construed to authorize the exchange of bonds or other obligations of any foreign Government for those of any other foreign Government, or cancellation of any part of such indebtedness except through payment thereof (Feb 9, 1922, c. 47, § 3, 42 Stat. 363.)

See note to § 7706m, ante.

§ 7706p. Termination of authority granted by act—The authority granted by this Act shall cease and determine at the end of two years from February 9, 1925. (Feb 9, 1922, c. 47, § 4, 42 Stat. 363, amended Jan. 21, 1925, c. 86, 43 Stat 763)

This section was amended by Act Jan. 21, 1925, c. 86, 43 Stat 763, cited above to read as set forth above. Prior to this amendment this section read as follows. "The authority granted by this Act shall cease and determine at the end of three years from the date of the passage of this Act."

See note to § 7706m, ante

§ 7706q. Annual report of Commission; copies of refunding agreements for Congress—The annual report of this commission shall be included in the Annual Report of the Secretary of the Treasury on the state of the finances, but said commission shall immediately transmit to the Congress copies of any refunding agreements entered into, with the approval of the President, by each foreign Government upon the completion of the authority granted under this Act. (Feb. 9, 1922, c. 47, § 5, 42 Stat. 363.)

See note to § 7706m, ante.

§ 7706r. Settlement of indebtedness of Finland to the United States—The settlement of the indebtedness of the Republic of Finland to the United States of America, made by the World War Foreign Debt Commission and approved by the President, upon the following terms is hereby approved and authorized·

Principal amount of obligations to be funded, $8,281,926 17; interest accrued thereon to December 15, 1922, at the rate of 4¼ per centum per annum, $1,027,389.10, less payment in cash made by Finland March 8, 1923, on account of interest, $300,000, leaving a balance of $727,389.10; total principal and interest accrued and unpaid as of December 15, 1922, $9,009,315.27; less payment in cash made by Finland on May 1 1923 $9,315 27 Total indebtedness to be funded into bonds, $9,000,000

The principal of the bonds shall be paid in annual installments on the 15th day of each December up to and including December 15, 1984 on a fixed schedule subject to the right of the Government of Finland to make these payments in three-year periods, the amount of the first year's installment shall be $45,000, the annual installments to increase with due regularity until, in the sixty-second year, the amount of the installment will be $345,000, the aggregate installments being equal to the total principal of the debt.

The Government of Finland shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' notice

Interest shall be payable upon the unpaid balances at the following rates on December 15 and June 15 of each year.

At the rate of 3 per centum per annum, payable semiannually, from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum, payable semiannually, until final payment

The Government of Finland shall have the right to pay up to one-half of any interest accruing between December 15, 1922, and December 15, 1927, on the $9,000,000, principal amount of bonds first to be issued, in bonds of Finland dated as of the respective dates when the interest to be paid thereby becomes due, payable as to principal on the 15th day of December in each succeeding year, up to and including December 15, 1984, on a fixed schedule, in annual installments, increasing with due regularity in proportion to, and in the manner provided for, the payments to be made on account of principal of the original issue of bonds, and bearing the same rates of interest and being similar in other respects to such original issue of bonds.

Any payment of interest or of principal may be made, at the option of the Government of Finland in any United States Government obligations issued after April 6, 1917, such bonds to be taken at par and accrued interest. (March 12, 1924, c. 52, 43 Stat. 20.)

This section is an act entitled "An act to authorize the settlement of the indebtedness of the Republic of Finland to the United States of America," cited above

§ 7706s. Settlement of indebtedness of Hungary to the United States—The settlement of the indebtedness of the Kingdom of Hungary to the United States of America, made by the World War Foreign Debt Commission and approved by the President upon the following terms, is hereby approved and authorized:

Principal amount of obligation to be funded, $1,685,835 61; interest accrued thereon to December 15, 1923, at the rate of 4¼ per centum per annum, $253,917.43; total principal and interest accrued and unpaid as of December 15, 1923. $1,939,753 04, less payment in cash by Hungary on April 25, 1924, $753 04, total indebtedness to be funded into bonds, $1,939,000

The principal of the bonds shall be paid in annual installments on the 15th day of December, up to and including December 15, 1985, on a fixed schedule, subject to the right of the Government of Hungary to make these payments in three-year periods; the amount of the first year's installment shall be $9,600, the installments to increase with due regularity until, in the sixty-second year, the amount of the installment shall be $75,000 the aggregate installments being equal to the total principal of the debt.

The Government of Hungary shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' notice

Interest shall be payable upon the unpaid balances at the following rates, on December 15 and June 15 of each year:

At the rate of 3 per centum per annum, payable

semiannually, from December 15, 1923, to December 15, 1933, and thereafter at the rate of 3½ per centum per annum, payable semiannually until final payment.

The Government of Hungary shall have the right to pay up to one-half of any interest accruing between December 15, 1923, and December 15, 1928 on the $1,939,000 principal amount of the bonds first to be issued in bonds of Hungary dated as of the respective dates when the interest to be paid thereby becomes due, payable as to principal on the 15th day of December in each succeeding year, up to and including December 15, 1985, on a fixed schedule, in annual installments, increasing with due regularity in proportion to and in the manner provided for payments to be made on account of principal of the original issue of bonds, bearing the same rates of interest and being similar in other respects to such original issue of bonds

Any payment of interest or of principal shall be made in United States gold coin of the present standard of value or at the option of the Government of Hungary, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest

The payment of the principal and interest of the bonds shall be secured in the same manner and to the same extent as the obligation of Hungary which is to to be funded: Provided, however, That all or any part of such security may be released by the Secretary of the Treasury on such terms and conditions as he may deem necessary or appropriate, in order that the United States may cooperate in any program whereby Hungary may be able to finance its immediate needs by the flotation of a loan for reconstruction purposes, if and when substantially all other creditor nations holding obligations similar to that held by the United States which is to be funded, to wit, Denmark, France, Great Britain, Holland, Norway, Sweden, and Switzerland, shall release to a similar extent the security enjoyed by such obligations.

The Secretary of the Treasury shall be authorized to decide when this action has been substantially taken (May 23, 1924, c. 167, 43 Stat. 136)

This section is an act entitled "An act to authorize the settlement of the indebtedness of the Kingdom of Hungary to the United States of America," cited above

§ 7706t. Settlement of indebtedness of Lithuania to the United States—The settlement of the indebtedness of the Republic of Lithuania to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 168, Sixty-eighth Congress, second session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for cash payments made by Lithuania, is $6,030,000, which has been computed as follows:

Principal amount of obligations to be funded, $4,981,628 03. Interest accrued thereon from June 30, 1919, to June 15, 1924, at the rate of 4¼ per centum per annum, $1,049,918 94. Total principal and interest accrued and unpaid as of June 15, 1924, $6,031,546 97 Paid in cash by Lithuania September 22, 1924, $1,546.97. Total indebtedness to be funded into bonds, $6,030,000.

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1986, on a fixed schedule, subject to the right of the Government of the Republic of Lithuania to make such payments in three-year periods. The amount of the first year's installment shall be $30,000, the annual installments to increase until in the sixty-second year the amount of the final installment will be $227 000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds

The Government of the Republic of Lithuania shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' advance notice

Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year at the rate of 3 per centum per annum from June 15, 1924, to June 15, 1934, and thereafter at the rate of 3½ per centum per annum until final payment

The Government of the Republic of Lithuania, at its option, upon not less than ninety days' notice, shall have the right to pay up to one-half of the interest accruing between June 15, 1924, and June 15, 1929 on the $6,030,000 principal amount of bonds first to be issued, in bonds of Lithuania dated and bearing interest from the respective dates when the interest to be paid thereby becomes due, with maturities arranged serially to fall on each June 15, in the succeeding years up to June 15, 1986, substantially in the manner provided for the original issue of bonds and bearing the same rates of interest and substantially the same in other respects as such original issue of bonds

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Lithuania, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest (Dec 22, 1924, c 14, 43 Stat 719)

This section is an act entitled "An act to authorize the settlement of the indebtedness of the Republic of Lithuania to the United States of America," cited above

§ 7706u. Settlement of indebtedness of Poland to the United States—The settlement of the indebtedness of the Republic of Poland to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document Numbered 169, Sixty-eighth Congress, second session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for cash payment made by Poland, is $178,560,000, which has been computed as follows: Principal amount of obligations to be funded, $159,666,972 39; interest accrued and unpaid thereon to December 15, 1922, at the rate of 4¼ per centum per annum. $18,898.053 60; total principal and interest accrued and unpaid as of December 15, 1922, $178,565.025 99; paid in cash by Poland November 14, 1924, $5,025.99, total indebtedness to be funded into bonds, $178,560,000.

The principal of the bonds shall be paid in annual installments on December 15 of each year up to and including December 15, 1984, on a fixed schedule, subject to the right of the Government of the Republic of Poland to make such payments in three-year periods The amount of the first year's installment shall be $560,000, the annual installments to increase until the sixty-second year the amount of the final installment will be $9,000.000, the aggregate installments being equal to the total principal of the indebtedness to be funded into bonds

The Government of the Republic of Poland shall have the right to pay off additional amounts of the principal of the bonds on any interest date upon ninety days' advance notice

Interest on the bonds shall be payable semiannually on December 15 and June 15 of each year at the rate of 3 per centum per annum from December 15, 1922, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum until final payment.

The Government of the Republic of Poland shall have the option with reference to payments on ac-

count of principal and interest falling due on or before December 15, 1929, under the terms of the agreement, to make the following payments on the dates specified

June 15 1925, $500,000, December 15, 1925, $500,000; June 15, 1926, $750,000; December 15, 1926, $750,000; June 15, 1927, $1,000,000; December 15, 1927, $1,000,000; June 15, 1928, $1,250,000; December 15, 1928 $1,250,000; June 15, 1929, $1,500,000; December 15, 1929, $1,500,000; total $10,000,000 and to pay the balance, including interest on all overdue payments at the rate of 3 per centum per annum, in bonds of Poland, dated December 15, 1929, bearing interest at the rate of 3 per centum per annum from December 15, 1929, to December 15, 1932, and thereafter at the rate of 3½ per centum per annum, such bonds to mature serially on December 15 of each year up to and including December 15, 1984, substantially in the same manner and to be substantially the same in other respects as the bonds of Poland received at the time of the funding of the indebtedness.

Any payment of interest or of principal may be made, at the option of the Government of the Republic of Poland, in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest. (Dec. 22, 1924, c. 15, 43 Stat. 720.)

This section is an act entitled "An act to authorize the settlement of the indebtedness of the Republic of Poland to the United States of America, and for other purposes," cited above.

TITLE XLVIII—REGULATION OF COMMERCE AND NAVIGATION

Chapter One—Registry and Recording

§ 7709. [Repealed in part.]

This section (R S § 4132, as amended) was repealed by Act Sept 21, 1922, c 356, title III, § 321, ante, § 5841c-48, in so far as it relates to the free admission of materials for the construction or repair of vessels and the building or repair of their machinery, and articles for their outfit and equipment

§ 7709aa. [Repealed.]

This section (Act Oct. 6, 1917, c 88, 40 Stat 392), is repealed by Act June 5, 1920, c 250, § 22, 41 Stat 997

§ 7709aaa. Foreign built or registered vessels admitted to American registry engaging in coastwise trade during war with Germany may continue therein—All foreign-built vessels admitted to American registry, owned on February 1, 1920, by persons citizens of the United States, and all foreign-built vessels owned by the United States at the time of the enactment of this Act, when sold and owned by persons citizens of the United States, may engage in the coastwise trade so long as they continue in such ownership, subject to the rules and regulations of such trade. (June 5, 1920, c. 250, § 22, 41 Stat. 997.)

This section is a part of § 22 of Act June 5, 1920, c 250, 41 Stat. 997, cited above.

§ 7709aaaa. Permits to foreign ships to carry passengers between Hawaii and Pacific coast—The board is authorized to issue permits for the carrying of passengers in foreign ships if it deems it necessary so to do, operating between the Territory of Hawaii and the Pacific Coast up to February 1, 1922. (June 5, 1920, c. 250, § 22, 41 Stat. 997.)

This section is a part of § 22 of Act June 5, 1920, c. 250, 41 Stat. 997, cited above.

§ 7719a. Home ports of vessels of United States—For the purposes of the navigation laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act 1920, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Porto Rico, which port the owner of such vessel, subject to the approval of the Commissioner of Navigation of the Department of Commerce, shall specifically fix and determine, and subject to such approval may from time to time change Such home port shall be shown in the register, enrollment and license, or license of such vessel, which documents, respectively, are hereinafter referred to as the vessel's document The home port shown in the document of any vessel of the United States in force at the time of the approval of this Act shall be deemed to have been fixed and determined in accordance with the provisions hereof Section 4141 of the Revised Statutes is hereby amended to conform herewith. (Feb 16, 1925, c. 235, § 1, 43 Stat. 947.)

This section is section 1 of an act entitled "An act to establish home ports of vessels of the United States to validate documents relating to such vessels, and for other purposes," cited above

For R S § 4141, mentioned in this section, see U. S Comp St. 1918, § 7719

For section 30 of the Ship Mortgage Act, mentioned in this section, see post, §§ 814614k-814614rr.

§§ 7763, 7764. [Repealed.]

These sections (Act March 2, 1881, c. 107, 21 Stat 377) are repealed by Act Feb 19, 1920, c. 83, § 4, 41 Stat 437 See post, §§ 7764a-7764c.

§ 7764a. Change of name of vessels of United States by Commissioner of Navigation—The Commissioner of Navigation shall, under the direction of the Secretary of Commerce, be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing (Feb 19, 1920. c. 83, § 1, 41 Stat. 436.)

This section, and the two sections next following, are §§ 1-3 of an act entitled "An act to authorize the Commissioner of Navigation to change the name of vessels," cited above. Section 4 of this act repeals Act March 2, 1881, c 107, 21 Stat. 377 Section 5 provides that the act shall take effect 30 days after its passage

§ 7764b. Same; rules and regulations; evidence; publication of order for change—The Commissioner of Navigation, with the approval of the Secretary of Commerce, shall establish such rules and regulations and procure such evidence as to age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests; and when permission is granted by the Commissioner of Navigation, he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of documentation, and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name. (Feb. 19, 1920, c. 83, § 2, 41 Stat. 437.)

See note to § 7764a, ante.

§ 7764c. Same; fees—For the privilege of securing such changes of name the following fees shall be paid by the owners of vessels to collectors of customs, to be deposited in the Treasury by such collectors as navigation fees: For vessels ninety-nine gross tons and under, $10; for vessels one hundred gross tons and up to and including four hundred and ninety-nine gross tons, $25; for vessels five hundred gross tons and up to and including nine hundred and ninety-nine gross tons, $50; for vessels one thousand gross tons and up to and including four thousand nine hundred and ninety-nine gross tons, $75; for vessels five thousand gross tons and over, $100. (Feb. 19, 1920, c. 83, § 3, 41 Stat. 437.)

See note to § 7764a, ante.

§§ 7778-7787. [Repealed.]

These sections (R S §§ 4192-4196, and Act June 23, 1910, c 373, 36 Stat 604) are repealed by Act June 5, 1920, c 250, § 30, subsec X, 41 Stat 1006 This repeal is accompanied by the following "This section" (section 30 of said Act June 5, 1920, c 250), however, so far as not inconsistent with any of the provisions of law so repealed, shall be held a reenactment of such repealed law, and any right or obligation based upon any provision of such law and accruing prior to such repeal, may be prosecuted in the same manner and to the same effect as if this Act had not been passed" See post, § 8146¼rr.

Chapter Two—Clearance and Entry

§§ 7800-7802. [Repealed.]

These sections (R S §§ 4209-4211) were repealed by Act Sept. 21, 1922, c 356, title IV, § 642, ante, § 8341i-1.

TITLE L A—UNITED STATES SHIPPING BOARD, NAVAL AUXILIARY AND RESERVE, AND MERCHANT MARINE

§ 8146a. Terms defined—When used in this Act:

The term "common carrier by water in foreign commerce" means a common carrier, except ferryboats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, whether in the import or export trade Provided, That a cargo boat commonly called an ocean tramp shall not be deemed such "common carrier by water in foreign commerce."

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce on the high seas or the Great Lakes on regular routes from port to port.

The term "other person subject to this Act" means any person not included in the term "common carrier by water," carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

The term "vessel" includes all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being or are intended to be used as a means of transportation on water.

The term "documented under the laws of the United States," means "registered, enrolled, or licensed under the laws of the United States" (Sept. 7, 1916, c. 451, § 1, 39 Stat. 728, amended, July 15, 1918, c. 152, § 1, 40 Stat. 900.)

This section was amended by Act July 15, 1918, c 152, § 1, cited above, by adding thereto the last two paragraphs as set forth above.

§ 8146aa. (a) Corporation, partnership or association, when deemed a citizen—Within the meaning of this Act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

(b) Controlling interest owned by citizens—The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(c) Seventy-five per centum of interest owned by citizens—Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or, (c) if, through any contract or understanding it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

(d) Act applicable to receivers and trustees—The provisions of this Act shall apply to receivers and trustees of all persons to whom the Act applies, and to the successors or assignees of such persons. (Sept. 7, 1916, c 451, § 2, 39 Stat. 729, amended, July 15, 1918, c. 152, § 2, 40 Stat. 900, and June 5, 1920, c. 250, § 38, 41 Stat. 1008.)

This section was amended by Act July 15, 1918, c 152, § 2, cited above, by adding thereto paragraph (b) It was again amended by Act June 5, 1920, c 250, § 38, also cited above, by adding to paragraph (a) the words beginning "but in the case of a corporation" to the end of the paragraph, by adding paragraph (c), and by lettering the paragraphs, as set forth above.

§ 8146b. Shipping Board; establishment; composition; commissioners; appointment; vacancies; pecuniary interest; duties; removal; seal; rules and regulations—A board is hereby created to be known as the United States Shipping Board and hereinafter referred to as the board The board shall be composed of seven commissioners, to be appointed by the President, by and with the advice and consent of the Senate; and the President shall designate the member to act as chairman of the board, and the board may elect one of its members as vice chairman. Such commissioners shall be appointed as soon as practicable after the enactment of

this Act and shall continue in office two for a term of one year, and the remaining five for terms of two, three four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this Act, and two shall be appointed from the States touching the Pacific Ocean, two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes and one from the interior, but not more than one shall be appointed from the same State. Not more than four of the commissioners shall be appointed from the same political party A vacancy in the board shall be filled in the same manner as the original appointments No commissioner shall take any part in the consideration or decision of any claim or particular controversy in which he has a pecuniary interest.

Each commissioner shall devote his time to the duties of his office, and shall not be in the employ of or hold any official relation to any common carrier or other person subject to this Act, nor while holding such office acquire any stock or bonds thereof or become pecuniarily interested in any such carrier.

The duties of the board may be so divided that under its supervision the directorship of various activities may be assigned to one or more commissioners. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business. The board may employ within the limits of appropriations made therefor by Congress such attorneys as it finds necessary for proper legal service to the board in the conduct of its work, or for proper representation of the public interest in investigations made by it or proceedings pending before it whether at the board's own instance or upon complaint, or to appear for or represent the board in any case in court or other tribunal The board shall have such other rights and perform such other duties not inconsistent with the Merchant Marine Act, 1920, as are conferred by existing law upon the board in existence at the time this section as amended takes effect.

The commissioners in office at the time this section as amended takes effect shall hold office until all the commissioners provided for in this section as amended are appointed and qualify. (Sept. 7, 1916, c. 451, § 3, 39 Stat. 729, amended, June 5, 1920, c. 250, § 3, 41 Stat. 989.)

For this section prior to the amendment by Act June 5, 1920, c. 250, § 3, see U S. Comp St 1918, § 8146b.

§ 8146bb. Salary of commissioners; secretary; experts and clerks; duty of military, naval, or other services; civil service rules—Each member of the board shall receive a salary of $12,000 per annum. The board shall appoint a secretary, at a salary of $5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employés as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military, naval, or other services of the United States for such duties as the board may deem necessary in connection with its business

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employés of the board shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employés under its orders, in making any investigation, or upon official business in any other place than in the City of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board

Until otherwise provided by law the board may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board. (Sept 7, 1916, c 451, § 4, 39 Stat. 729, amended, June 5, 1920, c 250, § 3, 41 Stat 990)

The amendment of this section by Act June 5, 1920, c 250, § 3, cited above, consists in increasing the salaries of members of the Board $7,500 to $12,000 per annum

For current appropriation for the United States Shipping Board, see Act March 3, 1925, c 468, § 1, 43 Stat. 1208

Said act also contains the following

"United States Shipping Board * * For all other expenditures authorized by the Act approved September 7, 1916, as amended, and by the Act approved June 5, 1920, including the compensation of a secretary to the board, attorneys, officers, naval architects, special experts, examiners, and clerks, including one admiralty counsel at $10,000 per annum, and one special expert at $8,000 per annum, and other employees in the District of Columbia and elsewhere, and for all other expenses of the board, including the rental of quarters outside the District of Columbia, law books, books of reference, periodicals, and actual and necessary expenses of members of the board, its special experts, and other employees, or per diem in lieu of subsistence when allowed pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914, while upon official business away from their designated posts of duty, and for the employment by contract or otherwise of expert stenographic reporters for its official reporting work, and including the investigation of foreign discrimination against vessels and shippers of the United States and for the investigation of transportation of immigrants in vessels of the United States Shipping Board, $238,000: Provided, That no part of the moneys made available by this Act for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used to pay to an assistant to a member of the Shipping Board a salary in excess of $6,500 per annum * *

"Emergency Shipping Fund. For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1926, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the Merchant Marine Act, 1920, (a) the amount on hand July 1, 1925, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1925, and then unpaid; (b) $24,000,000, (c) the amount received during the fiscal year ending June 30, 1926, from the operation of ships Provided, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance, (d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year, 1926, but not exceeding $4,000,000, as is necessary to meet the expenses of liquidation, including also the cost of the tie-up and the salaries and expenses of the personnel directly engaged in liquidation Provided, That no part of this sum shall be used for the payment of claims. * *

"No part of the sums appropriated in this Act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States * *

"No part of the sums appropriated in this Act shall be available for the payment of certified public accountants, their agents or employees, and all auditing of every nature requiring the services of outside auditors shall be furnished through the Bureau of Efficiency. Provided, That nothing herein contained shall limit the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation from employing outside auditors to audit claims in litigation for or against the United States

Shipping Board or the United States Shipping Board Emergency Fleet Corporation

"No part of the sums appropriated in this Act shall be used for actual expenses of subsistence exceeding $5 a day or per diem in lieu of subsistence exceeding $4 for any officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation

"No part of the funds of the United States Shipping Board Emergency Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1926 if suitable space is provided for said corporation by the Public Buildings Commission

"That all claims of the Navy Department against the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation and all claims of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation against the Navy Department arising prior to July 1, 1921, be canceled Provided That no claim on the part of the United States Shipping Board Emergency Fleet Corporation, or the Navy Department as against any private individual, firm, association, or corporation other than the United States Shipping Board Emergency Fleet Corporation, is canceled or otherwise affected in any way by this paragraph"

Section 2 of said act reads as follows: "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 8146bbb. Limitation on salaries payable to officers and employees of Board—No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $10,000 except the following: One at not to exceed $25,000 and seven at not to exceed $18,000 each (June 12, 1922, c. 218, 42 Stat 648 Feb. 13, 1923, c 72, 42 Stat 1242. June 7, 1924, c. 292, § 1, 43 Stat 531. March 3, 1925, c 468, § 1, 43 Stat 1209)

From the Executive office and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts See note to § 8146bb, ante

§ 8146c. [Repealed.]

This section (Act Sept 7, 1916, c 451, § 5, 39 Stat 730), is repealed by Act June 5, 1920, c. 250, § 2, 41 Stat 988, subject to certain limitations. See post, § 8146¼a

§ 8146d. [Repealed.]

This section (Act Sept 7, 1916, c 451, § 7, 39 Stat 730), is repealed by Act June 5, 1920, c 250, § 2, 41 Stat 988, subject to certain limitations See post, § 8146¼a

§ 8146dd. [Repealed.]

This section (Act Sept 7, 1916, c. 451, § 8, 39 Stat 730), is repealed by Act June 5, 1920, c 250, § 2, 41 Stat. 988, subject to certain limitations See post, § 8146¼a

§ 8146ddd. Payment of charter hire of vessels to War Department—The board shall not require payment from the War Department for the charter hire of vessels owned by the United States Government furnished by the board from July 1, 1918, to June 30, 1919, inclusive, for the use of such department (June 5, 1920, c. 250, § 15, 41 Stat 993)

This section is § 15 of the Merchant Marine Act, 1920, cited above It supersedes a similar provision in Act Nov. 4, 1918, c. 201, § 1, 40 Stat. 1022
See post, note to § 8146¼

§ 8146dddd. Payment for charter hire of vessels to Navy Department—The United States Shipping Board shall not require payment from the Navy Department for the charter hire of vessels furnished or to be furnished from July 1, 1918, to June 30, 1921, inclusive, for the use of that department when such vessels are owned by the United States Government. (June 4, 1920, c. 228, § 1, 41 Stat 826.)

From the naval appropriation act for the year 1921, cited above It has been repeated in prior acts

§ 8146e. Registration, enrollment and licensing of vessels; certain vessels to engage in coastwise trade; regulations as to vessels purchased, chartered or leased; use or disposition of vessels in time of war or national emergency—Any vessel purchased, chartered, or leased from the board, by persons who are citizens of the United States, may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: Provided, that foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned by any corporation in which the United States is a stockholder, and vessels sold leased, or chartered by the board to any person a citizen of the United States, as provided in this Act, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person

Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein.

It shall be unlawful to sell, transfer or mortgage, or, except under regulations prescribed by the board, to charter, any vessel purchased from the board or documented under the laws of the United States to any person not a citizen of the United States, or to put the same under a foreign registry or flag, without first obtaining the board's approval.

Any vessel chartered, sold, transferred or mortgaged to a person not a citizen of the United States or placed under a foreign registry or flag, or operated, in violation of any provision of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both (Sept 7, 1916, c 451, § 9, 39 Stat 730, amended July 15, 1918, c. 152, § 3, 40 Stat 900, and June 5, 1920, c. 250, § 18, 41 Stat 994)

This section was amended by Act July 15, 1918, c. 152, § 3, cited above, to read as follows

"Any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed, or both registered and enrolled and licensed, as a vessel of the United States and entitled to the benefits and privileges appertaining thereto Provided, That foreign-built vessels admitted to American registry or enrollment and license under this Act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder, and vessels sold, leased, or chartered to any person a citizen of the United States, as provided in this Act, may engage in the coastwise trade of the United States while owned, leased, or chartered by such a person

"Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag, or sold, nor, except under regulations prescribed by the board, be chartered or leased.

"No vessel documented under the laws of the United States or owned by any person a citizen of the United States or by a corporation organized under the laws of the United States or of any State, Territory, District, or

possession thereof, except one which the board is prohibited from purchasing, shall be sold to any person not a citizen of the United States or transferred to or placed under a foreign registry or flag, unless such vessel is first tendered to the board at the price in good faith offered by others, or, if no such offer, at a fair price to be determined in the manner provided in section ten

"Any vessel sold chartered, leased, transferred to or placed under a foreign registry or flag or operated in violation of any provision of this section shall be forfeited to the United States and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both"

For this section prior to this amendment see U S Comp St 1918, § 8146e It was again amended by Act June 5, 1920, c 250, § 18, also cited above, to read as set forth above

§ 8146fff. Audit of financial transactions—The Comptroller General of the United States is authorized and directed to cause an audit to be made of the financial transactions of the United States Shipping Board Emergency Fleet Corporation, in accordance with the usual methods of steamship or corporation accounting and under such rules and regulations as he shall prescribe. Such audit shall be effective commencing July 1, 1921, the date of the discontinuance of the audit required to be performed under the direction of the Secretary of the Treasury by the Act approved July 1, 1918. (March 20, 1922, c. 104, § 1, 42 Stat. 444)

From the "Second Deficiency Act, Fiscal Year 1922," cited above.

This section supersedes a provision of Act July 1, 1918, c 113, § 1 40 Stat 651, which read as follows "The Secretary of the Treasury is authorized and directed to cause an audit to be made of the financial transactions of the United States Shipping Board Emergency Fleet Corporation, under such rules and regulations as he shall prescribe"

§ 8146gg. Common carriers by water giving deferred rebates; using a "fighting ship"; retaliatory discrimination; discriminatory contracts—No common carrier by water shall, directly or indirectly, in respect to the transportation by water of passengers or property between a port of a State, Territory, District, or possession of the United States and any other such port or a port of a foreign country,—

First Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term "deferred rebate" in this Act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term "fighting ship" in this Act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing or reducing competition by driving another carrier out of said trade

Third Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition, or (c) the adjustment and settlement of claims

Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than $25,000 for each offense. (Sept. 7, 1916, c 451 § 14, 39 Stat 733, amended, June 5, 1920, c 250, § 20, 41 Stat. 996)

For this section prior to the amendment by Act June 5, 1920, c 250, § 20, 41 Stat 996, see U S Comp. St 1918, § 8146gg.

§ 8146ggg. Determination by Board of certain violation of act, etc.—The board upon its own initiative may, or upon complaint shall, after due notice to all parties in interest and hearing, determine whether any person, not a citizen of the United States and engaged in transportation by water of passengers or property—

(1) Has violated any provision of section 14, or

(2) Is a party to any combination, agreement, or understanding, express or implied, that involves in respect to transportation of passengers or property between foreign ports, deferred rebates or any other unfair practice designated in section 14, and that excludes from admission upon equal terms with all other parties thereto, a common carrier by water which is a citizen of the United States and which has applied for such admission.

If the board determines that any such person has violated any such provision or is a party to any such combination, agreement, or understanding, the board shall thereupon certify such fact to the Secretary of Commerce. The Secretary shall thereafter refuse such person the right of entry for any ship owned or operated by him or by any carrier directly or indirectly controlled by him, into any port of the United States, or any Territory, District, or possession thereof, until the board certifies that the violation has ceased or such combination, agreement, or understanding has been terminated. (Sept 7, 1916, c 451, § 14a, added, June 5, 1920, c. 250, § 20, 41 Stat. 996)

This section is added to Act Sept 7, 1916, c 451, as § 14a thereof, by Act June 5, 1920, c 250, § 20, cited above

§ 8146r(1). Foreign registry of vessels; sale or other disposition of vessels; construction of vessels for persons not citizens; control of corporations; sailing of vessels not documented—When the United States is at war or during any national emergency, the existence of which is declared by proclamation of the President, it shall be unlawful, without first obtaining the approval of the board:

(a) To transfer to or place under any foreign registry or flag any vessel owned in whole or in part by any person a citizen of the United States or by a corporation organized under the laws of the United States, or of any State, Territory, District, or possession thereof; or

(b) To sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer, to any person not a citizen of the United States, (1) any such vessel or any interest therein, or (2) any vessel documented under the laws of the United States, or any interest therein, or (3) any shipyard, dry dock, shipbuilding or ship-repairing plant or facilities, or any interest therein; or

(c) To enter into any contract, agreement, or understanding to construct a vessel within the United States for or to be delivered to any person not a citizen of the United States, without expressly stipulating that such construction shall not begin until after the war or emergency proclaimed by the President has ended; or

(d) To make any agreement or effect any understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the

controlling interest or a majority of the voting power in a corporation which is organized under the laws of the United States, or of any State, Territory, District, or possession thereof, and which owns any vessel, shipyard, dry dock, or shipbuilding or ship-repairing plant or facilities; or

(e) To cause or procure any vessel constructed in whole or in part within the United States, which has never cleared for any foreign port, to depart from a port of the United States before it has been documented under the laws of the United States

Whoever violates, or attempts or conspires to violate, any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than $5,000 or by imprisonment for not more than five years, or both

Any vessel, shipyard, dry dock, ship-building or ship-repairing plant or facilities or interest therein, sold, mortgaged, leased, chartered, delivered, transferred, or documented, or agreed to be sold, mortgaged, leased, chartered, delivered, transferred, or documented, in violation of any of the provisions of this section, and any stocks, bonds, or other securities sold or transferred, or agreed to be sold or transferred, in violation of any of such provisions, or any vessel departing in violation of the provisions of subdivision (e), shall be forfeited to the United States.

Any such sale, mortgage, lease, charter, delivery, transfer, documentation, or agreement therefor shall be void, whether made within or without the United States, and any consideration paid therefor or deposited in connection therewith shall be recoverable at the suit of the person who has paid or deposited the same, or of his successors or assigns, after the tender of such vessel, shipyard, dry dock, ship building or ship-repairing plant or facilities, or interest therein, or of such stocks, bonds, or other securities, to the person entitled thereto, or after forfeiture thereof to the United States, unless the person to whom the consideration was paid, or in whose interest it was deposited, entered into the transaction in the honest belief that the person who paid or deposited such consideration was a citizen of the United States. (Sept. 7, 1916, c 451, § 37, added, July 15, 1918, c 152, § 4, 40 Stat. 901.)

This section, and the seven sections next following were added to Act Sept 7, 1916, c. 451, by Act July 15, 1918, c. 152, § 4, also cited above

§ 8146r(2). Forfeitures—All forfeitures incurred under the provisions of this Act may be prosecuted in the same court, and may be disposed of in the same manner, as forfeitures incurred for offenses against the law relating to the collection of duties. (Sept. 7, 1916, c. 451, § 38, added, July 15, 1918, c. 152, § 4, 40 Stat. 902.)

See note to § 8146r(1).

§ 8146r(3). Prima facie evidence—In any action or proceeding under the provisions of this Act to enforce a forfeiture the conviction in a court of criminal jurisdiction of any person for a violation thereof with respect to the subject of the forfeiture shall constitute prima facie evidence of such violation against the person so convicted. (Sept. 7, 1916, c. 451, § 39, added, July 15, 1918, c. 152, § 4, 40 Stat. 902.)

See note to § 8146r(1).

§ 8146r(4). Record of sale or other disposition of vessels—Whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented to any collector of the customs to be recorded, the vendee, mortgagee, or transferee shall file therewith a written declaration in such form as the board may by regulation prescribe, setting forth the facts relating to his citizenship, and such other facts as the board requires, showing that the transaction does not involve a violation of any of the provisions of section nine or thirty-seven. Unless the board, before such presentation, has failed to prescribe such form, no such bill of sale, mortgage, hypothecation or conveyance shall be valid against any person whatsoever until such declaration has been filed Any declaration filed by or in behalf of a corporation shall be signed by the president, secretary, or treasurer thereof

Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both (Sept. 7, 1916, c. 451, § 40, added, July 15, 1918, c. 152 § 4, 40 Stat. 902)

See note to § 8146r(1)

§ 8146r(5). Approvals by board—Whenever by said section nine or thirty-seven the approval of the board is required to render any act or transaction lawful, such approval may be accorded either absolutely or upon such conditions as the board prescribes. Whenever the approval of the board is accorded upon any condition a statement of such condition shall be entered upon its records and incorporated in the same document or paper which notifies the applicant of such approval A violation of such condition so incorporated shall constitute a misdemeanor and shall be punishable by fine and imprisonment in the same manner, and shall subject the vessel, stocks, bonds, or other subject matter of the application conditionally approved to forfeiture in the same manner, as though the act conditionally approved had been done without the approval of the board, but the offense shall be deemed to have been committed at the time of the violation of the condition.

Whenever by this Act the approval of the board is required to render any act or transaction lawful, whoever knowingly makes any false statement of a material fact to the board, or to any member thereof, or to any officer, attorney, or agent thereof, for the purpose of securing such approval, shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both. (Sept 7, 1916, c 451, § 41, added, July 15, 1918, c. 152, § 4, 40 Stat 902)

See note to § 8146r(1)

§ 8146r(6). Documented vessels—Any vessel registered, enrolled, or licensed under the laws of the United States shall be deemed to continue to be documented under the laws of the United States within the meaning of subdivision (b) of section thirty-seven, until such registry, enrollment, or license is surrendered with the approval of the board, the provisions of any other Act of Congress to the contrary notwithstanding (Sept 7, 1916, c. 451, § 42, added, July 15, 1918, c 152, § 4, 40 Stat. 903.)

See note to § 8146r(1).

§ 8146r(7). End of war emergency—The fact that a war or emergency has ended shall, for the purposes of this Act, be evidenced by a proclamation of the President. (Sept. 7, 1916, c. 451, § 43, added, July 15, 1918, c. 152, § 4, 40 Stat. 903.)

See note to § 8146r(1)

§ 8146r(8). Citation of act—This Act may be cited as "Shipping Act, 1916." (Sept. 7, 1916, c. 451, § 44, added, July 15, 1918, c. 152, § 4, 40 Stat. 903.)

See note to § 8146r(1).

§ 8146tt. Contracts for ship construction; cost plus basis prohibited—No contracts for ship construction to be entered into shall provide that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, or plus a fixed fee for profit. (March 4, 1921, c. 161, § 1, 41 Stat. 1383.)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts.

§ 8146ttt. No further contracts for additional vessels—After the approval of this Act no contract shall be entered into or work undertaken for the construction or any additional vessels for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation (March 4, 1921, c 161 § 1, 41 Stat 1382)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts.

§ 8146u. Medals of merit for persons in merchant marine—That the President of the United States be, and he is hereby authorized to present, but not in the name of Congress, a medal of merit of appropriate design with a bar and ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who in the merchant marine of the United States between the 6th day of April, 1917, and the 11th day of November, 1918, distinguished himself by extraordinary heroism or distinguished service at sea in the line of duty. (Dec. 22, 1920, c. 3, § 1, 41 Stat. 1082)

This section, and the four sections next following, are an act entitled "An act to provide for the award of a medal of merit to the personnel of the merchant marine of the United States of America," cited above

§ 8146uu. Same; additional insignia—No more than one medal of merit shall be issued to any one person, but for each succeeding deed or service sufficient to justify the award of a medal, the President may award a suitable bar or other suitable emblem or insignia to be worn with the decoration and the corresponding rosette or other device (Dec 22, 1920, c. 3, § 2, 41 Stat. 1082.)

See note to § 8146u, ante.

§ 8146uuu. Same; limitation on time for issue—Except as otherwise prescribed herein, no medal or bar or suitable emblem or insignia in lieu of said medal shall be issued to any person after three years from the passage of this Act, unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made and substantiated at the time of the act or service or within three years after the passage of this Act. (Dec 22, 1920, c. 3, § 3, 41 Stat. 1082.)

See note to § 8146u, ante.

§ 8146v. Same; award to representatives of deceased persons—In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award nevertheless may be made and the medal or bar or other emblem or insignia presented to such representative of the deceased as the President may designate (Dec. 22, 1920, c 3, § 4, 41 Stat. 1082.)

See note to § 8146u, ante.

§ 8146vv. Same; rules and regulations—The President is authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of this act. (Dec. 22, 1920. c 3, § 5, 41 Stat. 1082.)

See note to § 8146u, ante.

MERCHANT MARINE ACT, 1920

§ 8146¼. Purpose and policy of United States—It is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine and, in so far as may not be inconsistent with the express provisions of this Act, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained (June 5, 1920, c 250, § 1, 41 Stat 988)

This section, and §§ 8146¼a-8146¼k, 8146¼kk, 8146kkk-8146t, post, are §§ 1, 2 4-14, 16, 17, 19, 21, 23-30, 34-37, 39 of an act entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," cited above, as amended Section 3 of said act amends Act Sept 7, 1916, c 451, §§ 3, 4 (§§ 8146b, 8146bb, ante), section 15 is set forth ante, § 8146ddd, section 18 amends Act Sept 7, 1916, c 451, § 9 (§ 8146e, ante), section 20 amends Act Sept 7, 1916, c 451, § 14, and adds § 14a thereto (§§ 8146gg, 8146ggg, ante), section 22 repeals Act Oct 6, 1917, c 88 (see ante, §§ 7709aa 7709aaa, 7709aaaa); section 31 amends R S § 4530 (§ 8322, post), section 32 amends Act June 26, 1884, c 121, § 10 (§ 8323, post), section 33 amends Act March 4, 1915, c. 153, § 20 (§ 8337a, post), section 38 amends Act Sept. 7, 1916, c 451, § 2 (§ 8146aa, ante)

§ 8146¼a. Acts repealed; limitations; adjustment, settlement, and liquidation of matters arising out of or incident to exercise of powers or duties conferred by repealed acts—(a) The following Acts and parts of Acts are hereby repealed, subject to the limitations and exceptions hereinafter, in this Act provided

(1) The emergency shipping fund provisions of the Act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes," approved June 15, 1917, as amended by the Act entitled "An Act to amend the emergency shipping fund provisions of the Urgent Deficiency Appropriation Act, approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employés, and for other purposes," approved April 22, 1918, and as further amended by the Act entitled "An Act making appropriation to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, on account of war expenses, and for other purposes," approved November 4, 1918

(2) Section 3 of such Act of April 22, 1918,

(3) The paragraphs numbered 2 and 3 under the heading "Emergency shipping fund" in such Act of November 4, 1918; and

(4) The Act entitled "An Act to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other purposes," approved July 18, 1918.

(5) Sections 5, 7, and 8, Shipping Act, 1916.

(b) The repeal of such Acts or parts of Acts is subject to the following limitations:

(1) All contracts or agreements lawfully entered into before the passage of this Act under any such Act or part of Act shall be assumed and carried out by the United States Shipping Board, hereinafter called "the board."

(2) All rights, interests, or remedies accruing or to accrue as a result of any such contract or agreement or of any action taken in pursuance of any such Act or parts of Acts shall be in all respects as valid, and may be exercised and enforced in like manner, subject to the provisions of subdivision (c) of this section, as if this Act had not been passed.

(3) The repeal shall not have the effect of extinguishing any penalty incurred under such Acts or parts of Acts, but such Acts or parts of Acts shall remain in force for the purpose of sustaining a prose-

cution for enforcement of the penalty therein provided for the violation thereof

(4) The board shall have full power and authority to complete or conclude any construction work begun in accordance with the provisions of such Acts or parts of Acts if, in the opinion of the board, the completion or conclusion thereof is for the best interests of the United States.

(c) As soon as practicable after the passage of this Act the board shall adjust, settle, and liquidate all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such Act or parts of Acts; and for this purpose the board, instead of the President shall have and exercise any of such powers and duties relating to the determination and payment of just compensation Provided, That any person dissatisfied with any decision of the board shall have the same right to sue the United States as he would have had if the decision had been made by the President of the United States under the Acts hereby repealed (June 5, 1920, c. 250, § 2, 41 Stat 988.)

See note to § 8146¼, ante See, also, ante, §§ 3115½d, 3115½dd, 3115½e, 3115½f-3115½kk, and §§ 8146c, 8146d, 8146dd.

§ 8146¼aa. Vessels transferred to United States Shipping Board—All vessels and other property or interests of whatsoever kind, including vessels or property in course of construction or contracted for, acquired by the President through any agencies whatsoever in pursuance of authority conferred by the Acts or parts of Acts repealed by section 2 of this Act, or in pursuance of the joint resolution entitled "Joint resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes," approved May 12, 1917, with the exception of vessels and property the use of which is in the opinion of the President required by any other branch of the Government service of the United States, are hereby transferred to the board: Provided, That all vessels in the military and naval service of the United States, including the vessels assigned to river and harbor work, inland waterways, or vessels for such needs in the course of construction or under contract by the War Department, shall be exempt from the provisions of this Act. (June 5, 1920, c. 250, § 4, 41 Stat 990.)

See note to § 8146¼, ante.

§ 8146¼aaa. Sale of certain vessels; terms and conditions—In order to accomplish the declared purposes of this Act, and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this Act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States except as provided in section 6 of this Act, all of the vessels referred to in section 4 of this Act or otherwise acquired by the board Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than fifteen years after the making of the contract of sale The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell All sales made under the authority of this Act shall be subject to the limitations and restrictions of section 9 of the "Shipping Act, 1916," as amended. (June 5, 1920, c 250, § 5, 41 Stat. 990)

See note to § 8146¼, ante

§ 8146¼b. Same; sale to aliens—The board is authorized and empowered to sell to aliens, at such prices and on such terms and conditions as it may determine, not inconsistent with the provisions of section 5 (except that completion of the payment of the purchase price and interest shall not be deferred more than ten years after the making of the contract of sale), such vessels as it shall, after careful investigation, deem unnecessary to the promotion and maintenance of an efficient American merchant marine, but no such sale shall be made unless the board, after diligent effort, has been unable to sell, in accordance with the terms and conditions of section 5, such vessels to persons citizens of the United States, and has, upon an affirmative vote of not less than five of its members, spread upon the minutes of the board, determined to make such sale, and it shall make as a part of its records a full statement of its reasons for making such sale. Deferred payments of purchase price of vessels under this section shall bear interest at the rate of not less than 5½ per centum per annum, payable semiannually. (June 5, 1920, c. 250, § 6, 41 Stat 991)

See note to § 8146¼, ante

§ 8146¼bb. Establishment and operation of steamship lines between ports of United States, etc., investigation and determination by Board—The board is authorized and directed to investigate and determine as promptly as possible after the enactment of this Act and from time to time thereafter what steamship lines should be established and put in operation from ports in the United States or any Territory, District, or possession thereof to such world and domestic markets as in its judgment are desirable for the promotion, development, expansion, and maintenance of the foreign and coastwise trade of the United States and an adequate postal service, and to determine the type, size, speed, and other requirements of the vessels to be employed upon such lines and the frequency and regularity of their sailings, with a view to furnishing adequate, regular, certain, and permanent service. (June 5, 1920, c. 250, § 7, 41 Stat. 991.)

See note to § 8146¼, ante.

§ 8146¼bbb. Same; sale or charter of vessels therefor—The board is authorized to sell, and if a satisfactory sale cannot be made, to charter such of the vessels referred to in section 4 of this Act or otherwise acquired by the board, as will meet these requirements to responsible persons who are citizens of the United States who agree to establish and maintain such lines upon such terms of payment and other conditions as the board may deem just and necessary to secure and maintain the service desired; and if any such steamship line is deemed desirable and necessary, and if no such citizen can be secured to supply such service by the purchase or charter of vessels on terms satisfactory to the board, the board shall operate vessels on such line until the business is developed so that such vessels may be sold on satisfactory terms and the service maintained, or unless it shall appear within a reasonable time that such

line can not be made self-sustaining (June 5, 1920, c 250, § 7, 41 Stat 991)

See note to § 8146¼, ante

§ 8146¼c. Same; contracts for carrying mails—The Postmaster General is authorized, notwithstanding the Act entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the board and the Postmaster General. (June 5, 1920, c. 250, § 7, 41 Stat 991.)

See note to § 8146¼, ante

§ 8146¼cc. Same; preference in sales or charters—Preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines if the board is satisfied of the ability of such persons to maintain the service desired and proposed to be maintained, or to persons who are citizens of the United States who may then be maintaining a service from the port of the United States to or in the general direction of the world market port to which the board has determined that such service should be established (June 5, 1920, c. 250, § 7, 41 Stat. 991)

See note to § 8146¼, ante

§ 8146¼ccc. Same; lines established by Board; continued operation—Where steamship lines and regular service have been established and are being maintained by ships of the board at the time of the enactment of this Act, such lines and service shall be maintained by the board until, in the opinion of the board, the maintenance thereof is unbusinesslike and against the public interests. (June 5, 1920, c. 250, § 7, 41 Stat. 992.)

See note to § 8146¼, ante

§ 8146¼d. Same; additional lines established by Board; rates and charges—Whenever the board shall determine, as provided in this Act, that trade conditions warrant the establishment of a service or additional service under Government administration where a service is already being given by persons, citizens of the United States, the rates and charges for such Government service shall not be less than the cost thereof, including a proper interest and depreciation charge on the value of Government vessels and equipment employed therein. (June 5, 1920, c. 250, § 7, 41 Stat. 992.)

See note to § 8146¼, ante.

§ 8146¼dd. Investigation of port, terminal, and warehouse facilities; findings as to rates and charges submitted to Interstate Commerce Commission—It shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water and highway and the natural direction of the flow of commerce; to investigate the causes of the congestion of commerce at ports and the remedies applicable thereto; to investigate the subject of water terminals, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, with a view to devising and suggesting the types most appropriate for different locations and for the most expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities regarding the appropriate location and plan of construction of wharves piers, and water terminals; to investigate the practicability and advantages of harbor, river, and port improvements in connection with foreign and coastwise trade, and to investigate any other matter that may tend to promote and encourage the use by vessels of ports adequate to care for the freight which would naturally pass through such ports. Provided, That if after such investigation the board shall be of the opinion that rates, charges, rules, or regulations of common carriers by rail subject to the jurisdiction of the Interstate Commerce Commission are detrimental to the declared object of this section, or that new rates, charges, rules, or regulations, new or additional port terminal facilities, or affirmative action on the part of such common carriers by rail is necessary to promote the objects of this section, the board may submit its findings to the Interstate Commerce Commission for such action as such commission may consider proper under existing law. (June 5, 1920, c. 250, § 8, 41 Stat. 992.)

See note to § 8146¼, ante

§ 8146¼ddd. Vessels sold under deferred payment plan; insurance—If the terms and conditions of any sale of a vessel made under the provisions of this Act include deferred payments of the purchase price, the board shall require, as part of such terms and conditions, that the purchaser of the vessel shall keep the same insured (a) against loss or damage by fire, and against marine risks and disasters, and war and other risks if the board so specifies, with such insurance companies, associations or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve, and (b) by protection and indemnity insurance with such insurance companies, associations, or underwriters and under such forms of policies, and to such an amount as the board may prescribe or approve. The insurance required to be carried under this section shall be made payable to the board and/or to the parties as interest may appear The board is authorized to enter into any agreement that it deems wise in respect to the payment and/or the guarantee of premiums of insurance. (June 5, 1920, c. 250, § 9, 41 Stat. 992.)

See note to § 8146¼, ante.

§ 8146¼e. Insurance fund for insurance of interests of United States in vessels, etc.—The board may create out of net revenue from operations and sales, and maintain and administer, a separate insurance fund, which it may use to insure in whole or in part, against all hazards commonly covered by insurance policies in such cases, any interest of the United States (1) in any vessel, either constructed or in process of construction, and (2) in any plants or materials heretofore or hereafter acquired by the board or hereby transferred to the board. (June 5, 1920, c. 250, § 10, 41 Stat. 992)

See note to § 8146¼, ante.

§ 8146¼ee. Construction loan fund; use of—(a) During a period of five years from the enactment of this Act (Merchant Marine Act of 1920) the board may annually set aside out of the revenues from sales and operations a sum not exceeding $25,000,000, to be known as its construction loan fund. The board may use such fund to the extent it thinks proper, upon such terms as the board may prescribe, in making loans to aid persons citizens of the United States in the construction by them in private shipyards or navy yards of the United State of vessels of the best and most efficient type for the establishment or maintenance of service on lines deemed desirable or necessary by the board, provided such vessels shall be fitted and equipped with the most modern, the most efficient, and the most economical engines, machinery,

and commercial appliances or, in the outfitting and equipment by them in private shipyards or navy yards of the United States of vessels already built, with engines, machinery, and commercial appliances of the type and kind mentioned

(b) The term "vessel" or "vessels," where used in this section, shall be construed to mean a vessel or vessels to aid in whose construction or equipment a loan is made from the construction loan fund of the board. All such vessels shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date the loan is made, and, so long as there remains due the United States any principal or interest on account of such loan

(c) No loan shall be made for a longer time than fifteen years If it is not to be repaid within two years from the date when the first advance on the loan is made by the board, the principal shall be payable in installments to be definitely prescribed in the instruments Such installments shall be made payable at intervals not exceeding two years; and in amounts not less than 6 per centum of the original amount of the loan, if the installments are payable at intervals of one year or less; and in amounts not less than 12 per centum of the original amount of the loan, if the installments are at intervals exceeding one year in length. The loan may be paid at any time, on thirty days written notice to the board, with interest computed to date of payment

(d) All such loans shall bear interest at rates to be fixed by the board, payable not less frequently than annually. During any interest period in which the vessel is operated exclusively in coastwise trade, or is inactive, the rate of interest shall be not less than 5¼ per centum per annum. During any interest period in which the vessel is operated in foreign trade, the rate shall be not less than 4¼ per centum per annum. The board may prescribe rules for determining the amount of interest payable under the provisions of this paragraph.

(e) No loan shall be for a greater sum than one-half the cost of the vessel or vessels to be constructed; or, than one-half the cost of the equipment hereinbefore authorized for a vessel already built: Provided, however, If security is furnished in addition to the mortgage on the vessel or vessels, the board may increase the amount loaned, but such additional amount shall not exceed one-half the market value of the additional security furnished, and in no case shall the total loan be for a greater sum than two-thirds of the cost of the vessel or vessels to be constructed; or, than two-thirds of the cost of the equipment, and its installation, for vessels already built.

(f) The board shall require such security as it shall deem necessary to insure the completion of the construction or equipment of the vessel within a reasonable time and the repayment of the loan with interest; when the vessel is completed the security shall include a preferred mortgage on the vessel, complying with the provisions of section 30 of the Merchant Marine Act, 1920, which mortgage shall contain appropriate covenants and provisions to insure the proper physical maintenance of the vessel, and its protection against liens for taxes, penalties, claims, or liabilities of any kind whatever, which might impair the security for the debt. It shall also contain any other covenants and provisions the board may prescribe, including a provision for the summary maturing of the entire debt, for causes to be enumerated in the mortgage.

(g) The board shall also require and the security furnished shall provide that the owner of the vessel shall keep the same insured against loss or damage by fire, and against marine risks and disasters, and against any and all other insurable risks the board specifies, with such insurance companies, associations or underwriters, and under such forms of policies, and to such an amount, as the board may prescribe or approve, such insurance shall be made payable to the board and/or to the parties, as interest may appear. The board is authorized to enter into any agreement that it deems wise in respect to the payment and for the guarantee of premiums of insurance. (June 5, 1920, c 250, § 11, 41 Stat. 993, amended, June 6, 1924, c. 273, § 1, 43 Stat. 467.)

This section was amended by Act June 6, 1924, c. 273, § 1, cited above, to read as set forth above Prior to this amendment this section read as follows

"During a period of five years from the enactment of this Act the board may annually set aside out of the revenues from sales and operations a sum not exceeding $25,000,000, to be known as its construction loan fund, to be used in aid of the construction of vessels of the best and most efficient type for the establishment and maintenance of service on steamship lines deemed desirable and necessary by the board, and such vessels shall be equipped with the most modern, the most efficient, and the most economical machinery and commercial appliances The board shall use such fund to the extent required upon such terms as the board may prescribe to aid persons, citizens of the United States, in the construction by them in private shipyards in the United States of the foregoing class of vessels. No aid shall be for a greater sum than two-thirds of the cost of the vessel or vessels to be constructed, and the board shall require such security, including a first lien upon the entire interest in the vessel or vessels so constructed as it shall deem necessary to insure the repayment of such sum with interest thereon and the maintenance of the service for which such vessel or vessels are built"

See note to § 8146¼, ante.

§ 8146¼eee. Repair and operation of vessels until sale thereof—All vessels may be reconditioned and kept in suitable repair and until sold shall be managed and operated by the board or chartered or leased by it on such terms and conditions as the board shall deem wise for the promotion and maintenance of an efficient merchant marine, pursuant to the policy and purposes declared in sections 1 and 5 of this Act; and the United States Shipping Board Emergency Fleet Corporation shall continue in existence and have authority to operate vessels, unless otherwise directed by law, until all vessels are sold in accordance with the provisions of this Act, the provision in section 11 of the "Shipping Act, 1916," to the contrary notwithstanding.

The term "reconditioned" as used in this section includes the substitution of the most modern, most efficient, and most economical types of internal-combustion engines as the main propulsive power of vessels. Should the board have any such engines built in the United States and installed, in private shipyards or navy yards of the United States, in one or more merchant vessels owned by the United States, and the cost to the board of such installation exceeds the amount of funds otherwise available to it for that use, the board may transfer to its funds from which expenditures under this section may be paid, from its construction loan fund authorized by section 11 of the Merchant Marine Act, 1920, so much as in its judgment may be necessary to meet obligations under contracts for such installation; and the Treasurer of the United States shall, at the request of the board, make the transfer accordingly: Provided, That the total amount hereafter expended by the board for this purpose shall not in the aggregate exceed $25,000,000. Any such vessel hereafter so equipped by the board under the provisions of this section shall not be sold for a period of five years from the date the installation thereof is completed, unless it is sold for a price not less than the cost of the installation thereof and of any other work of reconditioning done at the same time plus an amount not less than $10 for each deadweight ton of the vessel as computed before such reconditioning thereof is commenced. The date of the completion of such installation and the amount of the dead-weight tonnage of the vessel shall be fixed by the board: Provided further, That in fixing the mini-

mum price at which the vessel may thus be sold the board may deduct from the aggregate amount above prescribed 5 per centum thereof per annum from the date of the installation to the date of sale as depreciation And provided further, That no part of such fund shall be expended upon the reconditioning of any vessel unless the board shall have first made a binding contract for a satisfactory sale of such vessel in accordance with the provisions of this Act, or for the charter or lease of such vessels for a period of not less than five years by a capable, solvent operator; or unless the board is prepared and intends to directly put such vessel in operation immediately upon completion Such vessel, in any of the enumerated instances, shall be documented under the laws of the United States and shall remain documented under such laws for a period of not less than five years from the date of the completion of the installation, and during such period it shall be operated only on voyages which are not exclusively coastwise (June 5, 1920, c. 250, § 12, 41 Stat. 993, amended, June 6, 1924, c. 273, § 2, 43 Stat 468.)

This section was amended by Act June 6, 1924, c 273, § 2, cited above, by adding the second paragraph
See note to § 8146¼, ante.

§ 8146¼f. Sale of property other than vessels—The board is further authorized to sell all property other than vessels transferred to it under section 4 upon such terms and conditions as the board may determine and prescribe (June 5, 1920, c 250, § 13, 41 Stat. 993.)

See note to § 8146¼, ante.

§ 8146¼ff. Net proceeds derived from activities authorized; use and disposition of; withdrawal of investments of Government funds—The net proceeds derived by the board prior to July 1, 1921, from any activities authorized by this Act, or by the "Shipping Act, 1916," or by the Acts specified in section 2 of this Act, except such an amount as the board shall deem necessary to withhold as operating capital, for the purposes of section 12 hereof, and for the insurance fund authorized in section 10 hereof, and for the construction loan fund authorized in section 11 hereof, shall be covered into the Treasury of the United States to the credit of the board and may be expended by it, within the limits of the amounts heretofore or hereafter authorized, for the construction, requisitioning, or purchasing of vessels. After July 1, 1921, such net proceeds, less such an amount as may be authorized annually by Congress to be withheld as operating capital, and less such sums as may be needed for such insurance and construction loan funds, shall be covered into the Treasury of the United States as miscellaneous receipts The board shall, as rapidly as it deems advisable, withdraw investment of Government funds made during the emergency under the authority conferred by the Acts or parts of Acts repealed by section 2 of this Act and cover the net proceeds thereof into the Treasury of the United States as miscellaneous receipts. (June 5, 1920, c. 250, § 14, 41 Stat 993.)

See note to § 8146¼, ante.

§ 8146¼fff. Authority conferred by Act March 1, 1918, c. 19 terminated—All authorization to purchase, build, requisition, lease, exchange, or otherwise acquire houses, buildings or land under the Act entitled "An Act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved lands, houses, buildings, and for other purposes," approved March 1, 1918, is hereby terminated: Provided, however, That expenditures may be made under said Act for the repair of houses and buildings already constructed, and the completion of such houses or buildings as have heretofore been contracted for or are under construction, if considered advisable, and the board is authorized and directed to dispose of all such properties or the interest of the United States in all such properties at as early a date as practicable, consistent with good business and the best interests of the United States (June 5, 1920, c. 250, § 16, 41 Stat 994)

See note to § 8146¼, ante
See U S Comp St 1918, § 8146t

§ 8146¼g. Taking over, etc., by Board of certain docks, piers, warehouses, wharves, etc.—The board is authorized and directed to take over on January 1, 1921, the possession and control of, and to maintain and develop all docks, piers, warehouses, wharves and terminal equipment and facilities, including all leasehold easements, rights of way, riparian rights and other rights, estates and interests therein or appurtenant thereto, acquired by the President by or under the Act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918

The possession and control of such other docks, piers, warehouses, wharves and terminal equipment and facilities or parts thereof, including all leasehold easements, rights of way, riparian rights and other rights, estates or interests therein or appurtenant thereto which were acquired by the War Department or the Navy Department for military or naval purposes during the war emergency may be transferred by the President to the board whenever the President deems such transfer to be for the best interests of the United States.

The President may at any time he deems it necessary, by order setting out the need therefor and fixing the period of such need, permit or transfer the possession and control of any part of the property taken over by or transferred to the board under this section to the War Department or the Navy Department for their needs, and when in the opinion of the President such need therefor ceases the possession and control of such property shall revert to the board None of such property shall be sold except as may be hereafter provided by law. (June 5, 1920, c. 250, § 17, 41 Stat. 994.)

See note to § 8146¼, ante

§ 8146¼gg. Rules and regulations; power of board to make; amendment, etc., of other rules and regulations—(1) The board is authorized and directed in aid of the accomplishment of the purposes of this Act.

(a) To make all necessary rules and regulations to carry out the provisions of this Act;

(b) To make rules and regulations affecting shipping in the foreign trade not in conflict with law in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or upon any particular route or in commerce generally and which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country; and

(c) To request the head of any department, board, bureau, or agency of the Government to suspend, modify, or annul rules or regulations which have been established by such department, board, bureau, or agency, or to make new rules or regulations affecting shipping in the foreign trade other than such rules or regulations relating to the Public Health Service, the Consular Service, and the Steamboat Inspection Service.

(2) No rule or regulation shall hereafter be established by any department, board, bureau, or agency of the Government which affect shipping in the foreign trade, except rules or regulations affecting the Public Health Service, the Consular Service, and the Steamboat Inspection Service, until such rule or regulation has been submitted to the board for its approval and final action has been taken thereon by the board or the President.

(3) Whenever the head of any department, board, bureau, or agency of the Government refuses to suspend, modify, or annul any rule or regulation, or make a new rule or regulation upon request of the board, as provided in subdivision (c) of paragraph (1) of this section, or objects to the decision of the board in respect to the approval of any rule or regulation, as provided in paragraph (2) of this section, either the board or the head of the department, board bureau, or agency which has established or is attempting to establish the rule or regulation in question may submit the facts to the President, who is hereby authorized to establish or suspend, modify, or annul such rule or regulation.

(4) No rule or regulation shall be established which in any manner gives vessels owned by the United States any preference or favor over those vessels documented under the laws of the United States and owned by persons who are citizens of the United States. (June 5, 1920, c. 250, § 19, 41 Stat. 995.)

See note to § 8146¼, ante

§ 8146¼ggg. Coastwise laws extended to island Territories and possessions; steamship service thereto; regulations by Philippine Islands—From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise. Provided, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor. Provided further, That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the Government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago: And provided further, That the foregoing provisions of this section shall not take effect with reference to the Philippine Islands until the President of the United States after a full investigation of the local needs and conditions shall, by proclamation, declare that an adequate shipping service has been established as herein provided and fix a date for the going into effect of the same. (June 5, 1920, c. 250, § 21, 41 Stat. 997.)

See note to § 8146¼, ante.

§ 8146¼h. Deductions allowed owners of documented vessels of United States for income and excess-profits tax purposes—The owner of a vessel documented under the laws of the United States and operated in foreign trade shall, for each of the ten taxable years while so operated, beginning with the first taxable year ending after the enactment of this Act, be allowed as a deduction for the purpose of ascertaining his net income subject to the war-profits and excess-profits taxes imposed by Title III of the Revenue Act of 1918 an amount equivalent to the net earnings on such vessel during such taxable year, determined in accordance with rules and regulations to be made by the board: Provided, That such owner shall not be entitled to such deduction unless during such taxable year he invested, or set aside under rules and regulations to be made by the board in a trust fund for investment, in the building in shipyards in the United States of new vessels of a type and kind approved by the board, an amount, to be determined by the Secretary of the Treasury and certified by him to the board, equivalent to the war-profits and excess-profits taxes that would have been payable by such owner on account of the net earnings of such vessels but for the deduction allowed under the provisions of this section: Provided, further, That at least two-thirds of the cost of any vessel constructed under this paragraph shall be paid for out of the ordinary funds or capital of the person having such vessel constructed. (June 5, 1920, c. 250, § 23, 41 Stat. 997.)

See note to § 8146¼, ante

§ 8146¼hh. Exemption from income taxes on sales of documented vessels; when—During the period of ten years from the enactment of this Act any person a citizen of the United States who may sell a vessel documented under the laws of the United States and built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale under Title I, Title II, and Title III of the Revenue Act of 1918 if the entire proceeds thereof shall be invested in the building of new ships in American shipyards, such ships to be documented under the laws of the United States and to be of a type approved by the board. (June 5, 1920, c. 250, § 23, 41 Stat. 998.)

See note to § 8146¼, ante

§ 8146¼hhh. United States mails carried on American built documented vessels; rates of compensation—All mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States. No contract hereafter made with the Postmaster General for carrying mails on vessels so built and documented shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so built and documented. No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails on vessels so built and documented when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so built and documented. The board and the Postmaster General, in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States and of a satisfactory postal service in connection therewith, shall from time to time determine the just and reasonable rate of compensation to be paid for such service, and the Postmaster General is hereby authorized to enter into contracts within the limits of appropriations made therefor by Congress to pay for the carrying of such mails in such vessels at such rate. Nothing herein shall be affected by the Act entitled "An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891. (June 5, 1920, c. 250, § 24, 41 Stat. 998.)

See note to § 8146¼, ante

§ 8146¼i. Classification of vessels by American Bureau of Shipping—For the classification of vessels owned by the United States, and for such other purposes in connection therewith as are the

proper functions of a classification bureau, all departments, boards, bureaus, and commissions of the Government are hereby directed to recognize the American Bureau of Shipping as their agency so long as the American Bureau of Shipping continues to be maintained as an organization which has no capital stock and pays no dividends: Provided, That the Secretary of Commerce and the chairman of the board shall each appoint one representative who shall represent the Government upon the executive committee of the American Bureau of Shipping and the bureau shall agree that these representatives shall be accepted by them as active members of such committee. Such representatives of the Government shall serve without any compensation, except necessary traveling expenses: Provided further, That the official list of merchant vessels published by the Government shall hereafter contain a notation clearly indicating all vessels classed by the American Bureau of Shipping. (June 5, 1920, c. 250, § 25, 41 Stat. 998.)

See note to § 8146¼, ante

§ 8146¼ii. Number of passengers cargo vessels may carry—Cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: Provided, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: Provided further, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended insofar as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of $500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts. (June 5, 1920, c. 250, § 26, 41 Stat. 998.)

See note to § 8146¼, ante

§ 8146¼iii. Transportation of merchandise between points in United States, etc., in other than domestic built and documented vessels prohibited; exceptions—No merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign part, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act: Provided, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: Provided further, That this section shall not become effective upon the Yukon river until the Alaska Railroad shall be completed and the Shipping Board shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic. (June 5, 1920, c. 250, § 27, 41 Stat. 999.)

See note to § 8146¼, ante

§ 8146¼j. Charges for transportation by water or by water and rail subject to Interstate Commerce Act—No common carrier shall charge, collect, or receive, for transportation subject to the Interstate Commerce Act of persons or property, under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the persons or property affected thereby is to be transported to, or has been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water in foreign commerce, any lower rate, fare, or charge than that charged, collected, or received by it for the transportation of persons, or of a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States. Whenever the board is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented, it shall certify this fact to the Interstate Commerce Commission, and the commission may, by order, suspend the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of persons and property transported from, or to be transported, to such ports, for such length of time and under such terms and conditions as it may prescribe in such order, or in any order supplemental thereto. Such suspension of operation of the provisions of this section may be terminated by order of the commission whenever the board is of the opinion that adequate shipping facilities by such vessels to such ports are afforded and shall so certify to the commission. (June 5, 1920, c. 250, § 28, 41 Stat. 999.)

See note to § 8146¼, ante.

§ 8146¼jj. Definitions; construction of antitrust laws—(a) Whenever used in this section—

(1) The term "association" means any association, exchange, pool, combination, or other arrangement for concerted action; and

(2) The term "marine insurance companies" means any persons, companies, or associations, authorized to write marine insurance or reinsurance under the laws of the United States or of a State, Territory, District, or possession thereof.

(b) Nothing contained in the "antitrust laws" as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall be construed as declaring illegal an association entered into by marine insurance companies for the following purposes: To transact a marine insurance and reinsurance business in the United States and in foreign countries and to reinsure or otherwise apportion among its membership the risks undertaken by such association or any of

the component members (June 5, 1920, c. 250, § 29, 41 Stat 1000)

See note to § 8146¼, ante

SHIP MORTGAGE ACT, 1920

§ 8146¼jjj. Citation of section—This section may be cited as the "Ship Mortgage Act 1920" (June 5, 1920, c 250, § 30, subsec. A, 41 Stat 1000)

See note to § 8146¼, ante.

DEFINITIONS

§ 8146¼k. Definitions—When used in this section—

(1) The term "document" includes registry and enrollment and license;

(2) The term "documented" means registered or enrolled or licensed under the laws of the United States, whether permanently or temporarily.

(3) The term "port of documentation" means the port at which the vessel is documented, in accordance with law,

(4) The term "vessel of the United States" means any vessel documented under the laws of the United States and such vessel shall be held to continue to be so documented until its documents are surrendered with the approval of the board, and

(5) The term "mortgagee," in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed. (June 5, 1920, c 250, § 30, subsec B, 41 Stat 1000.)

See note to § 8146¼, ante

Home ports of vessels of United States, see ante, § 7719a

§ 8146¼k(1). Port of documentation—Wherever in the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, the words "port of documentation" are used they shall be deemed to mean the "home port" of the vessel, except that the words "port of documentation" shall not include a port in which a temporary document is issued. (Feb. 16, 1925, c. 235, § 4, 43 Stat 948)

This section is § 4 of an act entitled "An act to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes,' cited above.

RECORDING OF SALES, CONVEYANCES, AND MORTGAGES OF VESSELS OF THE UNITED STATES

§ 8146¼kk. Sale, conveyance, or mortgage of vessel of United States; record of bill of sale, etc.; record books—(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (b) of this subsection

(b) Such collector of customs shall record bills of sale, conveyances, and mortgages, delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

(1) The name of the vessel;

(2) The names of the parties to the sale, conveyance, or mortgage;

(3) The time and date of reception of the instrument;

(4) The interest in the vessel so sold, conveyed, or mortgaged, and

(5) The amount and date of maturity of the mortgage (June 5, 1920, c 250, § 30, subsec C, 41 Stat. 1000)

See note to § 8146¼, ante

§ 8146¼kk(1). Record at home port—No bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation (except bottomry), which includes a vessel of the United States or any portion thereof shall be valid in respect to such vessel against any person other than the grantor or mortgagor, his heirs or devisees, and any person having actual notice thereof, until such bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation is recorded in the office of the collector of customs at the home port of such vessel Any bill of sale or conveyance of the whole or any part of a vessel shall be recorded at the home port of such vessel as shown in her new document. (Feb. 16, 1925, c 235, § 2, 43 Stat. 948.)

This section and the two sections next following, are §§ 2, 3, 5, of an act entitled "An act to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes," cited above.

§ 8146¼kk(2). Conveyances, etc., validated—All conveyances and mortgages of any vessel or any part thereof, and all documentations, recordations, indorsements, and indexing thereof, and proceedings incidental thereto heretofore made or done, are hereby declared valid to the extent they would have been valid if the port or ports at which said vessel has in fact been documented from time to time had been the port or ports at which it should have been documented in accordance with law; and this section is hereby declared retroactive so as to accomplish such validation: Provided, That nothing herein contained shall be construed to deprive any person of any vested right. (Feb 16, 1925, c. 235, § 3, 43 Stat. 948.)

See note to § 8146¼kk(1), ante.

§ 8146¼kk(3). Ship mortgage act amended—All such provisions of the Navigation Laws of the United States and of the Ship Mortgage Act, 1920, otherwise known as section 30 of the Merchant Marine Act, 1920, as are in conflict with this Act are hereby amended to conform herewith. (Feb. 16, 1925, c. 235, § 5, 43 Stat. 948)

See note to § 8146¼kk(1), ante.

§ 8146¼kkk. Preferred mortgages; what are—(a) A valid mortgage which, at the time it is made includes the whole of any vessel of the United States of 200 gross tons and upwards, shall in addition have, in respect to such vessel and as of the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of subsection M, if—

(1) The mortgage is indorsed upon the vessel's documents in accordance with the provisions of this section;

(2) The mortgage is recorded as provided in subsection C, together with the time and date when the mortgage is so indorsed;

(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

(5) The mortgagee is a citizen of the United States

(b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this subsection is hereafter in this section called a "preferred mortgage" as to such vessel

(c) There shall be indorsed upon the documents of a vessel covered by a preferred mortgage—

(1) The names of the mortgagor and mortgagee;

(2) The time and date the indorsement is made;

(3) The amount and date of maturity of the mortgage, and

(4) Any amount required to be indorsed by the provisions of subdivision (e) or (f) of this subsection.

(d) Such indorsement shall be made (1) by the collector of customs of the port of documentation of the mortgaged vessel, or (2) by the collector of customs of any port in which the vessel is found, if such collector is directed to make the indorsement by the collector of customs of the port of documentation; and no clearance shall be issued to the vessel until such indorsement is made. The collector of customs of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel such indorsement shall be transferred to and indorsed upon the new document by the collector of customs

(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be indorsed upon the documents of the vessel

(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness the amount of such portion of such payment shall be indorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage. (June 5, 1920, c. 250, § 30, subsec. D, 41 Stat. 1000.)

See note to § 8146¼, ante.

§ 8146¼*l*. Certified copies of mortgage; exhibition, etc.—The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the documents of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the documents of the vessel and the copy of any preferred mortgage of the vessel placed on board thereof. (June 5, 1920, c. 250, § 30, subsec. E, 41 Stat. 1001.)

See note to § 8146¼, ante.

§ 8146¼*ll*. Prior and subsequent maritime liens on mortgaged vessel—The mortgagor (1) shall, upon request of the mortgagee, disclose in writing to him prior to the execution of any preferred mortgage, the existence of any maritime lien, prior mortgage, or other obligation or liability upon the vessel to be mortgaged, that is known to the mortgagor, and (2), without the consent of the mortgagee, shall not incur, after the execution of such mortgage and before the mortgagee has had a reasonable time in which to record the mortgage and have indorsements in respect thereto made upon the documents of the vessel, any contractual obligation creating a lien upon the vessel other than a lien for wages of stevedores when employed directly by the owner operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel for general average, or for salvage, including contract salvage, in respect to the vessel (June 5, 1920 c. 250 § 30, subsec F, 41 Stat 1002)

See note to § 8146¼, ante

§ 8146¼*lll*. Record of notice of claim of lien on mortgaged vessel; discharge of lien—(a) The collector of customs of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge The collector of customs shall thereupon record the certificate.

(b) The mortgagor upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector of customs for the port of documentation of the vessel, a certificate of such discharge Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made. (June 5, 1920, c. 250, § 30, subsec. G, 41 Stat. 1002.)

See note to § 8146¼, ante

§ 8146¼*m*. Conditions precedent to record of bill of sale, conveyance, mortgage, or notice of claim of lien; record at new port of documentation; interest on preferred mortgage—(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds

(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy.

(d) A preferred mortgage may bear such rate of interest as is agreed by the parties thereto. (June 5, 1920, c 250, § 30, subsec. H, 41 Stat. 1002.)

See note to § 8146¼, ante.

§ 8146¼*mm*. Inspection of and copies from records; fees—Each collector of customs shall permit records made under the provisions of this section to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a

certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subdivision (c) of subsection H. The collector of customs shall collect a fee for any bill of sale, conveyance, or mortgage recorded, or any certificate or certified copy furnished, by him, in the amount of 20 cents a folio with a minimum charge of $1.00 All such fees shall be covered into the Treasury of the United States as miscellaneous receipts. (June 5, 1920, c. 250, § 30, subsec I, 41 Stat 1002)

See note to § 8146¼, ante

PENALTIES

§ 8146¼mmm. Failure of master of vessel to exhibit documents or copy of preferred mortgage; suspension or cancellation of license; unlawful acts by mortgagor; liability for damages of collector of customs, etc.—(a) If the master of the vessel willfully fails to exhibit the documents of the vessel or the copy of any preferred mortgage thereof, as required by subsection E, the board of local inspectors of vessels having jurisdiction of the license of the master, may suspend or cancel such license, subject to the provisions of "An Act to provide for appeals from decision of boards of local inspectors of vessels and for other purposes," approved June 10, 1918.

(b) A mortgagor who, with intent to defraud, violates any provision of subsection F, and if the mortgagor is a corporation or association, the president or other principal executive officer of the corporation or association, shall upon conviction thereof be held guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than 2 years, or both. The mortgaged indebtedness shall thereupon become immediately due and payable at the election of the mortgagee.

(c) If any person enters into any contract secured by, or upon the credit of, a vessel of the United States covered by a preferred mortgage, and suffers pecuniary loss by reason of the failure of the collector of customs, or any officer, employé, or agent thereof, properly to perform any duty required of the collector under the provisions of this section, the collector of customs shall be liable to such person for damages in the amount of such loss. If any such person is caused any such loss by reason of the failure of the mortgagor, or master of the mortgaged vessel, or any officer, employé, or agent thereof, to comply with any provision of subsection E or F or to file an affidavit as required by subdivision (a) of subsection D, correct in each particular thereof, the mortgagor shall be liable to such person for damages in the amount of such loss The district courts of the United States are given jurisdiction (but not to the exclusion of the courts of the several States, Territories, Districts, or possessions) of suits for the recovery of such damages, irrespective of the amount involved in the suit or the citizenship of the parties thereto. Such suit shall be begun by personal service upon the defendant within the limits of the district. Upon judgment for the plaintiff in any such suit, the court shall include in the judgment an additional amount for costs of the action and a reasonable counsel's fee, to be fixed by the court. (June 5, 1920, c. 250, § 30, subsec. J, 41 Stat. 1003.)

See note to § 8146¼, ante.

FORECLOSURE OF PREFERRED MORTGAGES

§ 8146¼n. Lien of preferred mortgage; foreclosure; jurisdiction; procedure—A preferred mortgage shall constitute a lien upon the mortgaged vessel in the amount of the outstanding mortgage indebtedness secured by such vessel. Upon the default of any term or condition of the mortgage, such lien may be enforced by the mortgagee by suit in rem in admiralty. Original jurisdiction of all such suits is granted to the district courts of the United States exclusively. In addition to any notice by publication, actual notice of the commencement of any such suit shall be given by the libellant, in such manner as the court shall direct, to (1) the master, other ranking officer, or caretaker of the vessel, and (2) any person who has recorded a notice of claim of an undischarged lien upon the vessel, as provided in subsection G, unless after search by the libellant satisfactory to the court, such mortgagor, master, other ranking officer, caretaker, or claimant is not found within the United States. Failure to give notice to any such person, as required by this subsection, shall not constitute a jurisdictional defect; but the libellant shall be liable to such person for damages in the amount of his interest in the vessel terminated by the suit Suit in personam for the recovery of such damages may be brought in accordance with the provisions of subdivision (c) of subsection J. (June 5, 1920, c. 250, § 30, subsec K, 41 Stat. 1003.)

See note to § 8146¼, ante.

§ 8146¼nn. Receiver in foreclosure; possession of vessel by marshal—In any suit in rem in admiralty for the enforcement of the preferred mortgage lien, the court may appoint a receiver and, in its discretion, authorize the receiver to operate the mortgaged vessel. The marshal may be authorized and directed by the court to take possession of the mortgaged vessel notwithstanding the fact that the vessel is in the possession or under the control of any person claiming a possessory common-law lien. (June 5, 1920, c. 250, § 30, subsec. L, 41 Stat 1004.)

See note to § 8146¼, ante.

§ 8146¼nnn. Preferred maritime lien; priorities; other liens—(a) When used hereinafter in this section, the term "preferred maritime lien" means (1) a lien arising prior in time to the recording and indorsement of a preferred mortgage in accordance with the provisions of this section; or (2) a lien for damages arising out of tort, for wages of a stevedore when employed directly by the owner, operator, master, ship's husband, or agent of the vessel, for wages of the crew of the vessel, for general average, and for salvage, including contract salvage.

(b) Upon the sale of any mortgaged vessel by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a preferred mortgage lien thereon, all preexisting claims in the vessel, including any possessory common-law lien of which a lienor is deprived under the provisions of subsection L shall be held terminated and shall thereafter attach, in like amount and in accordance with their respective priorities, to the proceeds of the sale, except that the preferred mortgage lien shall have priority over all claims against the vessel, except (1) preferred maritime liens, and (2) expenses and fees allowed and costs taxed, by the court. (June 5, 1920, c. 250, § 30, subsec. M, 41 Stat. 1004.)

See note to § 8146¼, ante.

§ 8146¼o. Suits in personam in admiralty on default—(a) Upon the default of any term or condition of a preferred mortgage upon a vessel, the mortgagee may, in addition to all other remedies granted by this section, bring suit in personam in admiralty in a district court of the United States, against the mortgagor for the amount of the outstanding mortgage indebtedness secured by such vessel or any deficiency in the full payment thereof.

(b) This section shall not be construed, in the case of a mortgage covering, in addition to vessels, realty or personalty other than vessels, or both, to authorize the enforcement by suit in rem in admiralty

of the rights of the mortgagee in respect to such realty or personalty other than vessels. (June 5, 1920, c. 250, § 30, subsec. N, 41 Stat. 1004)

See note to § 8146¼, ante.

TRANSFERS OF MORTGAGED VESSELS AND ASSIGNMENT OF VESSEL MORTGAGES

§ 8146¼ooo. Surrender of documents of vessel covered by preferred mortgage; interest of mortgagee, when terminated; sale of mortgaged vessel for enforcement of maritime lien; new mortgage; assignment of rights under mortgage; vessels not to be sold to others than citizens—(a) The documents of a vessel of the United States covered by a preferred mortgage may not be surrendered (except in the case of the forfeiture of the vessel or its sale by the order of any court of the United States or any foreign country) without the approval of the board. The board shall refuse such approval unless the mortgagee consents to such surrender.

(b) The interest of the mortgagee in a vessel of the United States covered by a mortgage, shall not be terminated by the forfeiture of the vessel for a violation of any law of the United States, unless the mortgagee authorized, consented, or conspired to effect the illegal act, failure, or omission which constituted such violation.

(c) Upon the sale of any vessel of the United States covered by a preferred mortgage, by order of a district court of the United States in any suit in rem in admiralty for the enforcement of a maritime lien other than a preferred maritime lien, the vessel shall be sold free from all preexisting claims thereon; but the court shall, upon the request of the mortgagee, the libellant, or any intervenor, require the purchaser at such sale to give and the mortgagor to accept a new mortgage of the vessel for the balance of the term of the original mortgage. The conditions of such new mortgage shall be the same, so far as practicable, as those of the original mortgage and shall be subject to the approval of the court. If such new mortgage is given, the mortgagee shall not be paid from the proceeds of the sale and the amount payable as the purchase price shall be held diminished in the amount of the new mortgage indebtedness.

(d) No rights under a mortgage of a vessel of the United States shall be assigned to any person not a citizen of the United States without the approval of the board. Any assignment in violation of any provision of this section shall be void.

(e) No vessel of the United States shall be sold by order of a district court of the United States in any suit in rem in admiralty to any person not a citizen of the United States. (June 5, 1920, c. 250, § 30, subsec. O, 41 Stat. 1004.)

See note to § 8146¼, ante.

MARITIME LIENS FOR NECESSARIES

§ 8146¼ooo. Persons entitled to lien—Any person furnishing repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, to any vessel, whether foreign or domestic, upon the order of the owner of such vessel, or of a person authorized by the owner, shall have a maritime lien on the vessel, which may be enforced by suit in rem, and it shall not be necessary to allege or prove that credit was given to the vessel. (June 5, 1920, c. 250, § 30, subsec. P, 41 Stat. 1005.)

See note to § 8146¼, ante.

§ 8146¼p. Persons authorized to procure repairs, supplies, etc.—The following persons shall be presumed to have authority from the owner to procure repairs, supplies, towage, use of dry dock or marine railway, and other necessaries for the vessel: The managing owner, ship's husband, master, or any person to whom the management of the vessel at the port of supply is intrusted. No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel. (June 5, 1920, c. 250, § 30, subsec. Q, 41 Stat. 1005.)

See note to § 8146¼, ante.

§ 8146¼pp. Same; notice to person furnishing repairs, supplies, etc.—The officers and agents of a vessel specified in subsection Q shall be taken to include such officers and agents when appointed by a charterer, by an owner pro hac vice, or by an agreed purchaser in possession of the vessel, but nothing in this section shall be construed to confer a lien when the furnisher knew, or by exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor. (June 5, 1920, c. 250, § 30, subsec. R, 41 Stat. 1005.)

See note to § 8146¼, ante.

§ 8146¼ppp. Waiver of right to lien—Nothing in this section shall be construed to prevent the furnisher of repairs, supplies, towage, use of dry dock or marine railway, or other necessaries, or the mortgagee, from waiving his right to a lien, or in the case of a preferred mortgage lien, to the preferred status of such lien, at any time, by agreement or otherwise; and this section shall not be construed to affect the rules of law now in existing in regard to (1) the right to proceed against the vessel for advances, (2) laches in the enforcement of liens upon vessels, (3) the right to proceed in personam, (4) the rank of preferred maritime liens among themselves, or (5) priorities between maritime liens and mortgages, other than preferred mortgages, upon vessels of the United States. (June 5, 1920, c. 250, § 30, subsec. S, 41 Stat. 1005.)

See note to § 8146¼, ante.

§ 8146¼q. State statutes superseded—This section shall supersede the provisions of all State statutes conferring liens on vessels, in so far as such statutes purport to create rights of action to be enforced by suits in rem in admiralty against vessels for repairs, supplies, towage, use of dry dock or marine railway, and other necessaries. (June 5, 1920, c. 250, § 30, subsec. T, 41 Stat. 1006.)

See note to § 8146¼, ante.

MISCELLANEOUS PROVISIONS

§ 8146¼qq. Existing mortgages not affected—This section shall not apply (1) to any existing mortgage, or (2) to any mortgage hereafter placed on any vessel now under an existing mortgage, so long as such existing mortgage remains undischarged. (June 5, 1920, c. 250, § 30, subsec. U, 41 Stat. 1006.)

See note to § 8146¼, ante.

§ 8146¼qqq. Books for collectors of customs—The Secretary of Commerce is authorized and directed to furnish collectors of customs with all necessary books and records, and with certificates of registry and of enrollment and license in such form as provides for the making of all indorsements thereon required by this section. (June 5, 1920, c. 250, § 30, subsec. V, 41 Stat. 1006.)

See note to § 8146¼, ante.

§ 8146¼r. Rules and regulations by Secretary of Commerce—The Secretary of Commerce is authorized to make such regulations in respect to the recording and indorsing of mortgages covering vessels of the United States, as he deems necessary to the effi-

cient execution of the provisions of this section (June 5, 1920, c 250, § 30, subsec W, 41 Stat. 1006)

See note to § 8146¼, ante

§ 8146¼rr. Acts repealed—Sections 4192 to 4196, inclusive, of the Revised Statutes of the United States, as amended, and the Act entitled "An Act relating to liens on vessels for repairs, supplies, or other necessaries," approved June 23, 1910, are repealed This section, however, so far as not inconsistent with any of the provisions of law so repealed, shall be held a reenactment of such repealed law, and any right or obligation based upon any provision of such law and accruing prior to such repeal, may be prosecuted in the same manner and to the same effect as if this Act had not been passed (June 5, 1920, c. 250, § 30, subsec. X, 41 Stat 1006)

See note to § 8146¼, ante

§ 8146¼rrr. Termination of certain treaties or conventions—In the judgment of Congress, articles or provisions in treaties or conventions to which the United States is a party, which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated, and the President is hereby authorized and directed within ninety days after this Act becomes law to give notice to the several Governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions. (June 5, 1920, c. 250, § 34, 41 Stat. 1007)

See note to § 8146¼, ante.

§ 8146¼s. Powers of board; how exercised—The power and authority vested in the board by this Act, except as herein otherwise specifically provided, may be exercised directly by the board, or by it through the United States Shipping Board Emergency Fleet Corporation. (June 5, 1920, c. 250, § 35, 41 Stat. 1007.)

See note to § 8146¼, ante.

§ 8146¼ss. Partial invalidity of act—If any provision of this Act is declared unconstitutional or the application of any provision to certain circumstances be held invalid, the remainder of the Act and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby. (June 5, 1920, c. 250, § 36, 41 Stat. 1007.)

See note to § 8146¼, ante.

§ 8146¼sss. Definitions—When used in this Act, unless the context otherwise requires, the terms "person," "vessel," "documented under the laws of the United States," and "citizen of the United States" shall have the meaning assigned to them by sections 1 and 2 of the "Shipping Act, 1916," as amended by this Act; the term "board" means the United States Shipping Board; and the term "alien" means any person not a citizen of the United States. (June 5, 1920, c. 250, § 37, 41 Stat. 1008.)

See note to § 8146¼, ante.

§ 8146¼t. Citation of act—This Act may be cited as the Merchant Marine Act, 1920. (June 5, 1920, c. 250, § 39, 41 Stat. 1008.)

See note to § 8146¼, ante.

TITLE LI—REGULATION OF FISHERIES

NORTHERN PACIFIC HALIBUT FISHERY

§ 8150½. Short title—This Act may be cited as the Northern Pacific Halibut Act. (June 7, 1924, c. 345, § 1, 43 Stat. 648)

This section, and the 11 sections next following, are an act entitled "An Act for the protection of the Northern Pacific halibut fishery," cited above

§ 8150½a. Definition of terms—For the purposes of this Act "close season" shall mean the period from the 16th day of November in any year to the 15th day of February in the next following year, both days inclusive, or any other close season hereafter fixed by agreement between the United States and Canada; 'territorial waters of the United States" shall mean the waters contiguous to the western coast of the United States and the waters contiguous to the coast of Alaska, "territorial waters of Canada" shall mean the waters contiguous to the western coast of Canada, and "prohibited waters" shall mean the territorial waters of the United States, the territorial waters of Canada, and the high seas, including Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada. (June 7, 1924, c 345, § 2, 43 Stat 648.)

See note to § 8150½, ante

§ 8150½b. Fishing unlawful, when—It shall be unlawful for any person to fish for, or catch, or attempt to catch, any halibut (hippoglossus) at any time during the close season in the Territorial waters of the United States, or for any national or inhabitant of the United States to fish for, or catch, or attempt to catch, any halibut at any time during the close season in prohibited waters. The unintentional catching of halibut, when legally fishing for other species of fish, shall not constitute a violation of this Act if such halibut shall be used for food by the crew of the vessel catching the same, or be landed and immediately delivered to any authorized official of the Bureau of Fisheries of the Department of Commerce of the United States or the fishing authorities of the Dominion of Canada The halibut delivered to any official of the United States pursuant to the provisions of this section shall be sold by the Department of Commerce to the highest bidder for cash and the proceeds therefrom, exclusive of necessary expenses in connection therewith, shall be covered into the Treasury of the United States. (June 7, 1924, c. 345, § 3, 43 Stat. 649.)

See note to § 8150½, ante.

§ 8150½c. Unlawful port use; departures—No person, firm, or corporation shall use any port of or place in the United States to furnish, prepare, or outfit any vessel, boat, or other craft intended to be used in violation of this Act, nor shall any person permit, or cause to be permitted, any vessel, boat, or other craft intended to be used in violation of this Act to depart from any port of or place in the United States. (June 7, 1924, c 345, § 4, 43 Stat. 649.)

See note to § 8150½, ante.

§ 8150½d. Unlawful port entry; possession—It shall be unlawful for any vessel, boat, or other craft having on board any halibut caught contrary to the provisions of this Act to enter any port or place in the United States, or for any vessel, boat, or other craft to enter any such port or place while upon or in the prosecution of any voyage during which the vessel, boat, or other craft fished or was used in fishing for halibut in prohibited waters in the close season.

It shall be unlawful for any person knowingly to have in his possession any halibut unlawfully caught under the provisions of this Act. (June 7, 1924 c 345, § 5, 43 Stat 649)

See note to § 8150½, ante

§ 8150½e. **Penalty**—Any person violating any of the provisions of this Act shall be fined not less than $100 nor more than $1,000 or imprisoned not more than one year, or both. (June 7, 1924, c. 345, § 6, 43 Stat 649)

See note to § 8150½, ante.

§ 8150½f. **Patrols; searches**—The President shall cause a patrol of naval or other public vessels designated by him to be maintained in such places and waters as to him shall seem expedient for enforcing this Act, and any officer of any vessel engaged in such service, and any other officers designated by the President, may search any vessel, boat, or other craft in the territorial waters of the United States and any vessel, boat, or other craft of the United States on the high seas when suspected of having violated or being about to violate the provisions of this Act. (June 7, 1924, c 345, § 7, 43 Stat. 649.)

See note to § 8150½, ante

§ 8150½g. **Canadian vessels and nationals**—Every national or inhabitant and every vessel of Canada found violating this Act shall be delivered as soon as practicable to an authorized official of Canada at the nearest point to the place of seizure or elsewhere as the officials of the United States seizing the same and the authorized officials of Canada may agree upon, and the witnesses and proof necessary to the prosecution of said persons and vessels of Canada shall be furnished with reasonable promptitude to the authorities of Canada having jurisdiction thereof. (June 7, 1924, c. 345, § 8, 43 Stat. 649)

See note to § 8150½, ante

§ 8150½h. **Seizure and forfeiture**—Every vessel, boat, or craft employed in any manner in violating this Act shall be seized by any collector, surveyor, inspector, officer of a revenue cutter, or person specified in section 7 hereof, and except as provided in section 8 hereof, every such vessel, boat, or craft, including its tackle, apparel, furniture, cargo, and stores, shall be forfeited to the United States by proper proceedings in any court of the United States in Alaska, California, Oregon, or Washington. (June 7, 1924, c. 345, § 9, 43 Stat. 650.)

See note to § 8150½, ante.

§ 8150½i. **Fisheries commission exemption**—None of the inhibitions contained in this Act shall apply to the International Fisheries Commission when engaged in any scientific investigation. (June 7, 1924, c. 345, § 10. 43 Stat. 650)

See note to § 8150½, ante.

§ 8150½j. **Appropriation**—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for the fiscal year 1925 for the salaries and expenses of the International Fisheries Commission. (June 7, 1924, c. 345, § 11, 43 Stat. 650.)

See note to § 8150½, ante

§ 8150½k. **Duration of act**—This Act shall take effect immediately and continue in force until the termination of the convention concluded by the United States and Great Britain on March 2, 1924, for the protection of the halibut fishery of the northern Pacific Ocean. (June 7, 1924, c. 345, § 12, 43 Stat. 650.)

See note to § 8150½, ante.

TITLE LII—REGULATION OF STEAM-VESSELS

Chapter One—Inspection

§ 8152a. **Vessels subject to provisions of Title; United States Shipping Board vessels**—All steam vessels owned or operated by the United States Shipping Board, or any corporation organized or controlled by it, shall be subject to all the provisions of title 52 of the Revised Statutes of the United States for the regulation of steam vessels and acts amendatory thereof or supplemental thereto (Oct. 25, 1919, c. 82, 41 Stat 305)

This is an act entitled "An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes," cited above

This act became a law without the signature of the President by lapse of time.

§ 8155. **Supervising inspector-general and deputy supervising inspector-general; qualifications and appointment**—There shall be a supervising inspector general, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the Steamboat-Inspection Service, and who shall be entitled to a salary of $5,000 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

The Secretary of Commerce may appoint a deputy supervising inspector general, who shall be the chief clerk of the bureau and in the absence of the supervising inspector general have power to act in his stead, and who shall be entitled to a salary of $3,000 per year (R. S. § 4402, amended, July 2, 1918, c. 115, 40 Stat. 739.)

This section was amended by Act July 2, 1918, c. 115, cited above, to read as set forth above For this section, as originally enacted, see U S Comp St 1918, § 8155

For current appropriation for the Steamboat Inspection Service, see Act Feb 27, 1925, c. 364, title III, 43 Stat 1038

§ 8157. **Supervising inspectors; qualifications and appointment**—There shall be eleven supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam vessels and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of $3,450 a year and his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce. (R. S. § 4404, amended, July 2, 1918, c. 115, 40 Stat. 740.)

This section was amended by Act July 2, 1918, c. 115, cited above, to read as set forth above For this section, as originally enacted, see U. S. Comp St. 1918, § 8157.

§ 8168. **Local inspectors; number and salaries; assistants; clerks; detail of assistants of one port or district for service in another; traveling expenses**—There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Mary-

land; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut, Michigan Michigan, Milwaukee, Wisconsin, Willamette, Oregon, Puget Sound, Washington; Savannah, Georgia, Pittsburgh, Pennsylvania, Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Galveston, Texas, Mobile, Alabama, Providence, Rhode Island, and in each of the following ports: New York, New York; Jacksonville, Florida; Tampa, Florida, Portland, Maine, Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia, Evansville, Indiana, Dubuque, Iowa; Louisville, Kentucky; Albany New York; Cincinnati, Ohio; Memphis, Tennessee, Nashville, Tennessee; Saint Louis, Missouri, Port Huron, Michigan; New Orleans, Louisiana; Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska, and Point Pleasant, West Virginia; Honolulu, Hawaii; and San Juan, Porto Rico, one inspector of hulls and one inspector of boilers

The inspector of hulls and the inspector of boilers in the districts and ports enumerated in the preceding paragraphs shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce, namely.

For the port of New York, New York; at the rate of $2,950 per year for each local inspector.

For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California; and Puget Sound, Washington; and the ports of Boston, Massachusetts, Buffalo, New York; and New Orleans, Louisiana, at the rate of $2,700 per year for each local inspector

For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois; and the ports of Albany, New York; Cleveland, Ohio, Portland, Maine, Los Angeles, California; Juneau, Alaska; Saint Michael, Alaska; and Norfolk, Virginia; Honolulu, Hawaii; and San Juan, Port Rico; at the rate of $2,500 per year for each local inspector.

For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan; and Mobile, Alabama; and the ports of Saint Louis, Missouri; and Port Huron, Michigan; at the rate of $2,350 per year for each local inspector

For the districts of Pittsburgh, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut; Superior, Michigan; and Bangor, Maine; and the ports of Dubuque, Iowa; Toledo, Ohio, Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Point Pleasant, West Virginia; Jacksonville, Florida; Tampa, Florida; Louisville, Kentucky; and Cincinnati, Ohio, at the rate of $2,100 per year for each local inspector.

And in addition the Secretary of Commerce may appoint, in districts or ports where the volume of work requires them, assistant inspectors, at a salary, for the port of New York, of $2,500 a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Providence, Rhode Island; and the district of San Francisco, California, at $2,350 per year each, and for all other districts and ports at a salary of $2,100 a year each; and he may appoint a clerk to any such board at a compensation not exceeding $1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce.

Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors

The Secretary of Commerce may appoint not exceeding four traveling inspectors when in his judgment they are necessary for the improvement of the service, each of whom shall be entitled to a salary of $3,000 a year and his actual necessary traveling expenses while traveling on official business

That all officers and employees provided for in this Act shall not receive the additional compensation authorized by section six of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen.

And the Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual necessary traveling expenses of assistant inspectors so detailed, while traveling on official business assigned them by competent authority, shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspection. (R. S. § 4414, amended, Jan. 3, 1887, c 12, 24 Stat 354, July 26, 1890, c. 721, 26 Stat. 292, March 1, 1895, c 146, § 2, 28 Stat 699, March 2 1895, c. 186, § 1, 28 Stat 825, Feb. 15, 1897, c. 231, 29 Stat. 530, April 21, 1898, c 184, 30 Stat 360, June 2, 1900, c 614, 31 Stat. 262, March 3, 1905, c 1455, 33 Stat 1026, April 9, 1906, c 1372, § 1. 34 Stat. 106, May 28, 1908, c. 212, § 9, 35 Stat 428, March 4, 1913, c 159, 37 Stat. 1013, Feb. 26, 1917, c. 125, 39 Stat 942, July 2, 1918, c 115, 40 Stat. 740, and April 19, 1924, c. 129, §§ 1, 2, 43 Stat 104.)

This section was again amended by Act July 2, 1918, c 115, cited above, to read as follows

"There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania, San Francisco, California, New London, Connecticut, Baltimore, Maryland; Detroit, Michigan, Chicago, Illinois, Bangor, Maine; New Haven, Connecticut, Michigan, Michigan, Milwaukee, Wisconsin, Willamette, Oregon, Puget Sound, Washington; Savannah, Georgia, Pittsburgh, Pennsylvania, Oswego, New York, Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan, Apalachicola, Florida; Galveston, Texas, Mobile, Alabama, Providence, Rhode Island; and in each of the following ports: New York, New York, Jacksonville, Florida, Tampa, Florida, Portland, Maine, Boston, Massachusetts, Buffalo, New York, Cleveland, Ohio, Toledo, Ohio; Norfolk, Virginia, Evansville, Indiana, Dubuque, Iowa; Louisville, Kentucky, Albany, New York; Cincinnati, Ohio, Memphis, Tennessee, Nashville, Tennessee, Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Los Angeles, California; Juneau, Alaska, Saint Michael, Alaska, Point Pleasant, West Virginia; and Burlington, Vermont, Honolulu, Hawaii; and San Juan, Porto Rico, one inspector of hulls and one inspector of boilers.

"The inspector of hulls and the inspector of boilers in the districts and ports enumerated in the preceding paragraphs shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce, namely

"For the port of New York, New York; at the rate of $2,950 per year for each local inspector

"For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California; and Puget Sound, Washington, and the ports of Boston, Massachusetts; Buffalo, New York, and New Orleans, Louisiana at the rate of $2,700 per year for each local inspector.

"For the districts of Michigan, Michigan, Milwaukee, Wisconsin; Duluth, Minnesota, Providence, Rhode Island, Chicago, Illinois, and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine, Los Angeles, California, Juneau, Alaska; Saint Michael, Alaska; and Norfolk, Virginia; Honolulu, Hawaii, and San Juan, Porto Rico, at the rate of $2,500 per year for each local inspector

"For the districts of Oswego, New York, Willamette, Oregon; Detroit, Michigan, and Mobile, Alabama, and the ports of Saint Louis, Missouri; and Port Huron, Michigan, at the rate of $2,350 per year for each local inspector.

"For the districts of Pittsburgh, Pennsylvania; New Haven, Connecticut; Savannah, Georgia, Charleston, South Carolina, Galveston, Texas; New London, Connec-

trict Superior, Michigan; Bangor Maine, and Apalachicola Florida, and the ports of Dubuque Iowa, Toledo Ohio, Evansville, Indiana, Memphis, Tennessee Nashville, Tennessee, Point Pleasant, West Virginia, Burlington Vermont, Jacksonville Florida; Tampa, Florida, Louisville, Kentucky; and Cincinnati, Ohio, at the rate of $2,100 per year for each local inspector

"And in addition the Secretary of Commerce may appoint, in districts or ports where the volume of work requires them assistant inspectors, at a salary, for the port of New York, of $2,500 a year each, for the port of New Orleans, Louisiana the districts of Philadelphia, Pennsylvania, Baltimore, Maryland, the ports of Boston, Massachusetts, Providence Rhode Island, and the district of San Francisco, California, at $2,350 per year each, and for all other districts and ports at a salary of $2,100 a year each, and he may appoint a clerk to any such board at a compensation not exceeding $1,500 a year to each person so appointed Every inspector provided for in this or the preceding sections of this title shall be paid his actual necessary traveling expenses while traveling on official business assigned him by competent authority, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce

"Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors

"The Secretary of Commerce may appoint not exceeding four traveling inspectors when in his judgment they are necessary for the improvement of the service, each of whom shall be entitled to a salary of $3,000 a year and his actual necessary traveling expenses while traveling on official business.

"That all officers and employees provided for in this Act shall not receive the additional compensation authorized by section six of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen.

"And the Secretary of Commerce may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual necessary traveling expenses of assistant inspectors so detailed, while traveling on official business assigned them by competent authority, shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspection"

It was again amended by Act April 19, 1924, c 129, §§ 1, 2, cited above, to read as set forth above

§ 8170a. Clerks to boards of steamboat inspectors.—Clerk hire, Steamboat Inspection Service: For compensation of clerks to boards of steamboat inspectors, to be appointed by the Secretary of Commerce in accordance with the provisions of law. * *. (March 28, 1922, c. 117, title I, 42 Stat. 474. Jan. 5, 1923, c. 24, title I, 42 Stat. 1115. May 28, 1924, c 204, title III, 43 Stat. 229. Feb. 27, 1925, c. 364, title III, 43 Stat. 1038.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

Chapter Two—Transportation of Passengers and Merchandise

§ 8242. Dangerous articles not to be carried on passenger-steamers; gasoline, in automobiles; regulations—No loose hay, loose cotton, or loose hemp, camphene, nitroglycerin, naphtha, benzine, benzole, coal oil, crude or refined petroleum, or other like explosive burning fluids or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers, nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered and secured in such manner as shall be prescribed by the regulations established by the board of supervising inspectors with the approval of the Secretary of Commerce [and Labor]; nor shall gunpowder be carried on any such vessel except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practicable mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce [and Labor], and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel, and friction matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce [and Labor] Nothing in the foregoing or following sections of this Act shall prohibit the transportation by steam vessels of gasoline or any of the products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power Provided, however, That all fire, if any, in such vehicles or automobiles be extinguished immediately after entering the said vessel, and that the same be not relighted until immediately before said vehicle shall leave the vessel: Provided further, That any owner, master, agent, or other person having charge of passenger steam vessels shall have the right to refuse to transport automobile vehicles the tanks of which contain gasoline, naphtha, or other dangerous burning fluids. Provided, however, That nothing in the provisions of this Title shall prohibit the transportation by vessels not carrying passengers for hire, of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels: Provided further, That nothing in the foregoing or following sections of this Act shall prohibit the use, by steam vessels carrying passengers for hire, of lifeboats equipped with gasoline motors, and tanks containing gasoline for the operation of said motor-driven lifeboats: Provided, however, That no gasoline shall be carried other than that in the tanks of the lifeboats: Provided further, That the use of such lifeboats equipped with gasoline motors shall be under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce [and Labor]. Provided, however, That nothing in the foregoing or following sections of this Act shall prohibit the transportation and use by vessels carrying passengers or freight for hire of gasoline or any of the products of petroleum for the operation of engines to supply an auxiliary lighting and wireless system independent of the vessel's main power plant: Provided further, That the transportation or use of such gasoline or any of the products of petroleum shall be under such regulations as shall be prescribed by the board of supervising inspectors, with the approval of the Secretary of Commerce. Provided, however, That kerosene and lubricating oils made from refined products of petroleum which will stand a fire test of not less than three hundred degrees Fahrenheit may be used as stores on board steamers carrying passengers, under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce. The owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel found on navigable waters

of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than $500, for which the automobile shall be liable (R S § 4472, amended, Feb 27, 1877, c 69, § 1 19 Stat 252, Feb 20, 1901, c 386, 31 Stat 799, Feb 18, 1905, c 586, 33 Stat 720, March 3, 1905, c. 1457, § 8, 33 Stat. 1031, May 28, 1906, c 2565, 34 Stat 204, Jan 24, 1913, c. 10, 37 Stat 650, Oct. 22, 1914, c 336, 38 Stat 766, March 29, 1918, c. 30, 40 Stat. 499, and March 2, 1925, c. 387 43 Stat 1093)

This section was again amended by Act March 2, 1925, c 387, cited above, by adding thereto the last sentence as set forth above.

TITLE LIII—MERCHANT SEAMEN

Chapter One—Shipping-Commissioners

§ 8287.

For current appropriation for shipping commissioners, see Act Feb 27, 1925, c. 364, title III, 43 Stat 1039.

Chapter Three—Wages and Effects

§ 8322. Wages; payment at ports—Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void. Provided, Such a demand shall not be made before the expiration of, nor oftener than once in, five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 4529 of the Revised Statutes: Provided further, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: And provided further, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement. (R. S. § 4530, amended, Dec 21, 1898, c. 28, § 5, 30 Stat 756, March 4, 1915, c. 153, § 4, 38 Stat. 1165, and June 5, 1920, c 250, § 31, 41 Stat. 1006)

For this section prior to the amendment by Act June 5, 1920, c. 250, § 31, see U S Comp St 1918, § 8322

§ 8323. Same; advances and allotments—(a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100. and may also be imprisoned for a period of not exceeding six months. at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned. and shall be no defense to a libel suit or action for the recovery of such wages If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

(c) No allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made

(d) No allotment except as provided for in this section shall be lawful Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

(e) This section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

(f) Under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section. (June 26, 1884, c. 121, § 10, 23 Stat. 55, amended, June 19, 1886, c. 421, § 3, 24 Stat. 80, Dec. 21, 1898, c. 28, § 24, 30 Stat. 763, April 26, 1904, c. 1603, § 1, 33 Stat. 308, March 4, 1915, c 153, § 11, 38 Stat. 1168, and June 5, 1920, c. 250, § 32, 41 Stat. 1006)

For this section prior to the amendment by Act June 5, 1920, c 250, § 32, see U S Comp. St 1918, § 8323.

§ 8337a. Seamen in command not fellow-servants with those injured under them; rights of action; jurisdiction—Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for dam-

ages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located. (March 4, 1915, c. 153, § 20, 38 Stat 1185, amended, June 5, 1920, c 250, § 33. 41 Stat 1007.)

For this section prior to the amendment thereof by Act June 5, 1920, c. 250, § 33, see U S Comp St. 1918, § 8337a.

Chapter Five—Protection and Relief

§ 8370a. Destitute seamen; transportation to United States; amount allowed—Relief and Protection of American Seamen For relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Philippine Islands, and the Virgin Islands * * *: Provided, That hereafter the amount agreed upon between the consular officer and the master of the vessel in each individual case not in excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile, together with such additional compensation for transporting sick or disabled seamen as is now provided by law, shall in each case constitute the lawful rate for transportation on steam vessels. (Jan. 3, 1923, c 21, title I, 42 Stat. 1072.)

From the State, Justice, and Judiciary appropriation act for the year 1924, cited above Repeated, with additional matter, from the same appropriation act for the year 1923.

TITLE LV—LIGHTS AND BUOYS

§ 8435c. Traveling and subsistence expenses of teachers—Hereafter the appropriation, "General expenses, Lighthouse Service," shall be available, under regulations prescribed by the Secretary of Commerce, for the payment of traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses. (June 20, 1918, c. 103, § 2, 40 Stat. 608.)

This section is section 2 of an act to authorize aids to navigation and for other works in the Lighthouse Service, etc, cited above

§ 8439b. Post lantern lights—Hereafter post lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Lighthouse Service, on Lakes Union and Washington, in the State of Washington. (June 20, 1918, c 103, § 5, 40 Stat. 608.)

This section is section 5 of an act to authorize aids to navigation and for other works in the Lighthouse Service, etc., cited above.

§ 8439c. Same—Hereafter post-lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, on the Yukon River and its tributaries, Alaska. The cost thereof shall be paid out of the annual appropriations for the Lighthouse Service. (June 5, 1920, c. 235, § 1, 41 Stat. 927.)

This section is a provision of the sundry civil appropriation act for the fiscal year 1921, cited above.

§ 8446a. Superintendents of lighthouses; salaries—Hereafter a superintendent of lighthouses shall be assigned in charge of each lighthouse district at an annual salary of not exceeding $3,000 each, except that the salary of the third lighthouse district shall remain at $3 600, as now fixed by law. Provided, That officers now designated as lighthouse inspectors shall be transferred to the positions of superintendent of lighthouses herein authorized in lieu of lighthouse inspectors Provided further. That in the districts which include the Mississippi River and its tributaries the President may designate Army engineers to perform the duties of and act as superintendent of lighthouses without additional compensation. (June 20, 1918, c. 103, § 7, 40 Stat 608.)

This section is section 7 of an act to authorize aids to navigation and for other works in the Lighthouse Service, etc, cited above

§ 8447. Compensation of keepers of lighthouses—The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $840 per annum for each keeper: and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section seven of the general deficiency appropriation Act approved August twenty-sixth, nineteen hundred and twelve, as amended by section four of the legislative, executive, and judicial appropriation Act approved March fourth, nineteen hundred and thirteen. (United States Statutes at Large, volume thirty-seven, page seven hundred and ninety.) (R S. § 4673, amended, June 20, 1918, c. 103, § 8, 40 Stat 609)

This section was amended by Act June 20, 1918, c. 103, § 8, cited above, to read as set forth above. (See U S. Comp St 1918, § 8447)

§ 8448. [Repealed.]

This section (Act May 14, 1908, c. 168, § 9, 35 Stat 163) was repealed by a provision in Act Feb 27, 1925, c 364, title III, 43 Stat 1044, which also repealed Act June 20 1918, c 103, § 3, 40 Stat 608, which superseded said Act May 14, 1908, c 168, § 9

§ 8449a. Reimbursement of keepers and masters for rations, etc., supplied shipwrecked persons—Lighthouse Service. Reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year. (March 4, 1921, c. 161, § 1. 41 Stat. 1416.)

From the sundry civil appropriation act for the year 1922, cited above See U S Comp. St 1918, § 8449

§ 8455a. Retirement of officers and employés—Hereafter all officers and employees engaged in the field service or on vessels of the Lighthouse Service. except persons continuously employed in district offices or shops, who shall have reached the age of sixty-five years, after having been thirty years in the active service of the Government, may at their option be retired from further performance of duty; and all such officers and employees who shall have reached the age of seventy years shall be compulsorily retired from further performance of duty: Provided, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the average annual pay received for the last five years of service for each year of active service in the Lighthouse Service or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of such average annual pay received: Provided further, That such retirement pay shall not include any amount on account of subsistence or other allowance. (June 20, 1918, c. 103, § 6, 40 Stat. 608.)

This section is section 6 of an act to authorize aids to navigation and for other works in the Lighthouse Service, etc., cited above.

§ 8455a(1). Same; exceptions—The provision of section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, relative to compulsory retirement shall not apply to an employee of the Lighthouse Service if within sixty days after the passage of this Act or not less than thirty days before the arrival of such employee at the age of seventy, the Secretary of Commerce shall certify as a matter of public record that by reason of his efficiency and willingness to remain in the Lighthouse Service of the United States the continuance of such employee therein would be advantageous to the public service In that event such employee may be retained for a term not exceeding two years, and at the end of two years such employee may, by similar certification, be continued for an additional term not exceeding two years· Provided, however, That at the end of ten years after this Act becomes effective no employee shall be continued in the Lighthouse Service beyond the age of compulsory retirement defined in the Act of June 20, 1918, referred to in this paragraph Provided further, That nothing herein shall exclude or prevent any employee of the Lighthouse Service who shall have reached the age of compulsory retirement within thirty days before or after the date of the passage of this Act from enjoying the privileges thereof. (March 4, 1921, c. 161, § 1, 41 Stat 1417)

From the sundry civil appropriation act for the year 1922, cited above.

§ 8455a(2). Retirement of officers and employees for disability; annuity—Hereafter any officer or employee to whom section 6 of the Act entitled "An Act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, as amended, applies, who has been in the active service of the Government fifteen years or more and who is found, after examination by a medical officer of the United States. to be disabled for useful and efficient service by reason of disease or injury not due to vicious habits. intemperance or willful misconduct on his part, shall be retired under rules to be prescribed by the Secretary of Commerce on an annuity computed in the manner provided in such Act. (March 4, 1925, c. 523, § 1, 43 Stat. 1261)

This section, and the section next following, are an act entitled "An act to provide for retirement for disability in the Lighthouse Service," cited above

§ 8455a(3). Same; restoration to active duty—Any such officer or employee may, upon recovery, be restored to active duty, and shall from time to time, before reaching the age at which he may be retired under such Act, be reexamined by a medical officer of the United States upon the request of the Secretary of Commerce. (March 4, 1925, c 523, § 2, 43 Stat. 1262.)

See note to § 8455a(2), ante.

§ 8455aa. Same; pay—Lighthouse Service. * * Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, * *: Provided. That the retirement provisions and pay shall not apply to persons in the field service of the Lighthouse Service whose duties do not require substantially all their time (Nov. 4, 1918, c. 201, § 1, 40 Stat. 1036.)

From the "First Deficiency Appropriation Act, 1919," cited above.

§ 8459aa. Vessels available for light vessels or lighthouse tenders—The Secretary of War, the Secretary of the Navy, and the Shipping Board shall report to the Secretary of Commerce such vessels as they are willing to dispose of, and which by reasonable alterations can be used for light vessels, or lighthouse tenders; and if the use of the vessels should be justified by the necessary expenditure for alterations, transfer of the ships shall be made to the Department of Commerce, and they shall be used for the purposes of this Act; and the sum herein authorized shall be available for such repairs and be reduced by the sums saved by the use of such vessels. (June 5, 1920, c. 264, § 1, 41 Stat 1058.)

This section is a provision of § 1 of an act to authorize aids to navigation and for other works in the Lighthouse Service, cited above

§ 8459c. Sale of publications—Hereafter the Secretary of Commerce is authorized to provide, under regulations to be prescribed by him, for the sale of publications of the Bureau of Lighthouses and the Lighthouse Service, including the allowance of a commission for such sales (June 20, 1918, c. 103, § 4, 40 Stat 608)

This section is section 4 of an act to authorize aids to navigation and for other works in the Lighthouse Service etc, cited above

TITLE LV A—THE COAST GUARD

Chapter A—General Provisions

§ 8459½a.

(2a) Titles of commissioned officers changed—Titles of commissioned officers of the Coast Guard are hereby changed as follows: Senior captain to commander, captain to lieutenant commander, first lieutenant to lieutenant, second lieutenant to lieutenant junior grade, third lieutenant to ensign, captain of engineers to lieutenant commander (engineering), first lieutenant of engineers to lieutenant (engineering), second lieutenant of engineers to lieutenant, junior grade (engineering), and third lieutenant of engineers to ensign (engineering): Provided, That all laws applicable to the titles hereby abolished in the Coast Guard shall apply to the titles hereby established (June 5, 1920, c. 235, § 1, 41 Stat. 879)

From the sundry civil appropriation act for the year 1921, cited above.

(2b) Grades of commissioned line officers of Coast Guard—The number of permanent commissioned line officers of the Coast Guard now authorized by law shall be distributed in grades, as follows: One commandant, seven captains, twelve commanders, thirty-five lieutenant commanders, thirty-seven lieutenants, and seventy-seven lieutenants (junior grade) and ensigns; and the number of permanent commissioned engineer officers now authorized by law shall be distributed in grades, as follows: One engineer in chief, three captains (engineering), six commanders (engineering), twelve lieutenant commanders (engineering), twenty-two lieutenants (engineering), and forty-two lieutenants (junior grade) (engineering) and ensigns (engineering). Promotions to the grades created by this Act, namely, captain, captain (engineering), and commander (engineering), shall be made from the next lower grade by seniority: Provided, That lieutenants and lieutenants (junior grade), both line and engineering, may be promoted, subject to examination as provided by law, without regard to number or length of service in grade, to such grades in the Coast Guard not above lieutenant commander or lieutenant commander (engineering) as correspond to the permanent ranks and grades that may be attained in accordance with law by line officers of the Regular Navy of the same length of total commissioned service, and officers thus promoted shall be extra num-

bers in their respective grades, which extra numbers shall not at any one time exceed the following, respectively: Twenty lieutenant commanders, fifteen lieutenants, fifteen lieutenant commanders (engineering), and eight lieutenants (engineering), but no officer shall be promoted under this proviso who would thereby be advanced in rank ahead of an officer in the same grade and corps whose name stands above his on the official precedence list Provided further, That captains and captains (engineering) shall have the rank of, and be of corresponding grade to, captains in the Navy and commanders (engineering) shall have the rank of, and be of corresponding grade to, commanders in the Navy. (Jan 12, 1923, c. 25, § 1, 42 Stat. 1130.)

This subdivision and the four subdivisions next following, are an act entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," cited above

(2c) Captain commandant; title changed; selection; pay and allowances; retirement; engineer in chief; constructors—The title of captain commandant in the Coast Guard is hereby changed to commandant Hereafter the commandant shall be selected from the active list of line officers not below the grade of commander and shall have, while serving as commandant, the rank, pay, and allowances of a rear admiral (lower half) of the Navy: Provided, That any officer who shall hereafter serve as commandant shall, when retired, be retired with the rank of commandant and with the pay of a rear admiral (lower half) of the Navy on the retired list, and that an officer whose term of service as commandant has expired may be appointed a captain and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as commandant and be an additional number in such grade: Provided further, That the engineer in chief, while so serving, shall have the rank, pay, and allowances of a captain (engineering) in the Coast Guard, and hereafter the engineer in chief shall be selected from the active list of engineer officers not below the grade of lieutenant commander (engineering): And provided further, That an officer who shall hereafter serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a captain (engineering) on the retired list, and that an officer whose term of service as engineer in chief has expired may be appointed a commander (engineering) and shall be an additional number in that grade; but if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief and be an additional number in such grade: And provided further, That a constructor, after ten years' commissioned service in the Revenue-Cutter Service and Coast Guard, shall have the rank, pay, and allowances of a lieutenant commander, and after twenty years' commissioned service the rank, pay, and allowances of a commander. (Jan. 12, 1923, c. 25, § 2, 42 Stat. 1130)

See note to § 8459½a (2b), ante.

(2d) Promotion and retirement of commissioned officers—Hereafter no commissioned officer of the Coast Guard shall be promoted to a higher grade or rank on the active list, except to commandant or to engineer in chief, until his mental, moral, and professional fitness to perform all the duties of such higher grade or rank have been established to the satisfaction of a board of examining officers appointed by the President, and until he has been examined by a board of medical officers and pronounced physically qualified to perform all the duties of such higher grade or rank: Provided, That if any commissioned officer shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted: Provided further, That hereafter when a commissioned officer of the Coast Guard who has had forty years' service shall retire he shall be placed on the retired list with the rank and retired pay of one grade above that actually held by him at the time of retirement, and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of commodore and the pay of a commodore in the Navy on the retired list. (Jan. 12, 1923, c. 25, § 3, 42 Stat. 1131.)

See note to § 8459½a (2b), ante.

(2e) Ensigns and district superintendents; promotion—An ensign, an ensign (engineering), or a district superintendent with the rank of ensign, shall be required to complete three years' service in his grade, after which he shall be eligible for promotion to the next higher grade without regard to the number already in that higher grade. (Jan. 12, 1923, c. 25, § 4, 42 Stat. 1131.)

See note to § 8459½a (2b), ante.

(2f) Existing rank, pay, or allowances not reduced—Nothing contained in this Act shall be construed to reduce the rank, pay, or allowances of any commissioned officer of the Coast Guard as now provided by law. (Jan 12, 1923, c. 25, § 5, 42 Stat. 1131)

See note to § 8459½a (2b), ante

(2g) Temporary officers of Coast Guard; number and appointment; pay, allowances, and benefits—(a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, ten commanders, twenty-five lieutenant commanders, forty-eight lieutenants, and forty-two lieutenants (junior grade) and ensigns, of the line, and five commanders, eleven lieutenant commanders, nineteen lieutenants, and forty lieutenants (junior grade) and ensigns, of the Engineer Corps

(b) Such temporary officers while in service shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides. (April 21, 1924, c. 130, § 2, 43 Stat. 105.)

This subdivision, and the six subdivisions next following, are §§ 2-8 of an act entitled "An act to authorize a temporary increase of the Coast Guard for law enforcement," cited above. Section 1 of this act is set forth post, § 8459½a(11a)

(2h) Same; temporary promotion of permanent commissioned officers to grades created—Permanent commissioned officers of the Coast Guard may be given temporary promotion in order of seniority and without examination, to fill any such temporary grades Notwithstanding such temporary promotion, any such officer shall continue to hold his permanent commission and shall be advanced in lineal rank, promoted, and retired in the same manner as though this Act had not become law. (April 21, 1924, c 130, § 3, 43 Stat. 105.)

See note to § 8459½a(2g), ante.

(2i) Same; grades in which temporary appointments made; qualifications of candidates; temporary appointment of warrant officers and enlisted men; special list; promotion or reduction of officers on special list—(a) All original temporary appointments under this Act shall be made in grades not above that of lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person

shall be given an original temporary appointment who is more than forty years of age

(b) Any warrant officer or enlisted man of the permanent Coast Guard may be given an original temporary appointment under this Act, under such regulations as the President may prescribe, and without reduction in pay or allowances Notwithstanding such temporary appointment, any such warrant officer or enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man.

(c) The names of all persons appointed under this section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct. (April 21, 1924, c. 130, § 4, 43 Stat. 105)

See note to § 8459½a(2g), ante.

(2j) Temporary chief warrant officers of Coast Guard; number and appointment; pay, allowances, and benefits—(a) Under such regulations as he may prescribe, the President is authorized to appoint, by and with the advice and consent of the Senate, twenty-five temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade, and shall be retired in the same manner as though this Act had not become law. (April 21, 1924, c. 130, § 5, 43 Stat. 106)

See note to § 8459½a(2g), ante.

(2k) Temporary warrant officers and special temporary enlistments; retirement rights—(a) Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

(b) Any enlisted man in the permanent Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment, any such enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under any such temporary appointment shall be included in determining length of service as an enlisted man. (April 21, 1924, c. 130, § 6, 43 Stat. 106)

See note to § 8459½a(2g), ante.

(2l) Temporary appointment of members of Naval Reserve Force in Coast Guard—The temporary appointment of any member of the Naval Reserve Force to an enlisted, warrant or commissioned grade in the Coast Guard shall not prejudice his status in the Naval Reserve Force when his temporary service in the Coast Guard shall have terminated. While serving with the Coast Guard members of the Naval Reserve Force shall not be entitled to retainer pay or any other special privileges by reason of their former service in the Navy or Naval Reserve Force, except that service in the Coast Guard may be counted as service in the Naval Reserve Force (April 21, 1924, c. 130, § 7, 43 Stat 106)

See note to § 8459½a(2g), ante

The Naval Reserve Force, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat 1080 The United States Marine Corps Reserve, established under Act Aug 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 22, 1917, c. 20, 40 Stat 84, Act July 1, 1918, c 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c. 238, 41 Stat. 812, and Act July 12, 1921, c 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder.

(2m) Effect of act on rank, pay, etc., of persons in Coast Guard—Nothing contained in this Act shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if this Act had not become law. (April 21, 1924, c. 130, § 8, 43 Stat. 106.)

See note to § 8459½a(2g), ante.

(3).

For pay and allowances to officers and enlisted men of the Coast Guard, see post, §§ 8459½a(3a)-8459½a(3u). See, also, ante, § 2089a(1), and notes thereunder.

For current appropriation for the Coast Guard, see Act Jan. 22, 1925, c. 87, title I, 43 Stat 772

(3a). [1] Rates of pay; pay periods—Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000; the fifth period, $3,500, and the sixth period, $4,000.

[2] Pay of sixth period; to whom payable—The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, Act of June 3, 1916, as amended by the Act of June 4, 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army.

[3] Pay of fifth period; to whom payable—The pay of the fifth period shall be paid to colonels of the

Army captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period, to lieutenant colonels of the Army, commanders of the Navy and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service: Provided, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service.

[4] Pay of fourth period; to whom payable—The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

[5] Pay of third period; to whom payable—The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

[6] Pay of second period; to whom payable—The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

[7] Pay of first period; to whom payable—The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

[8] Pay of certain officers during existence of state of war—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

[9] Increase for length of service; maximum; no increase of pay of warrant officers on retired list—Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years: Provided, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750. Nothing contained in the first sentence of section 17 or in any other section of this Act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

[10] Service to be counted for pay purposes—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers in the service on June 30, 1922, there shall be included in the computation all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation.

[11] Pay of persons serving, not as commissioned officers, but whose existing pay is equivalent to that of commissioned officers of certain enumerated grades; pay of contract surgeons; pay of commissioned warrant officers—The provisions of this Act shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the title of this Act, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively * * Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after twelve years' commissioned service, receive the pay of the third period: Provided, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. * * (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

This subdivision, and subdivisions (3b), (3c), (3d), (3e), (3f), (3g), (3h), (3i), (3j), (3jj), (3k), (3l), (3m), (3n), (3o), (3p), (3q), (3r), (3s), (3t), (3u) post, are §§ 1-7, 10-12, 15-22, of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and

Geodetic Survey, and Public Health Service," cited above, as amended.

Section 8 relates only to the Army, the Navy, and the Public Health Service, and is set forth ante, §§ 2089a(8), 2815a(7), post, § 9129a(7), section 9 relates only to the Army and the Marine Corps, and is set forth ante, §§ 2089a(9), 2815a(8), section 13 relates only to the Army and the Navy, and is set forth ante, §§ 2089a(13), 2815a(15), section 14 relates only to the National Guard, and is set forth ante, §§ 3044uu, 3044v(2)

The omitted portions of this paragraph relate only to the Marine Corps (ante, § 2815a), and to the army (ante, § 2089a(1))

This act, or such portions of it as are applicable, is also set forth ante, under the titles, "The Army" "The Navy," "The Militia," and post, under the titles "The Coast and Geodetic Survey" and "The Public Health "

(3b) Same; no increase of pay for field or sea duty—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c. 212, § 2, 42 Stat. 627)

See note to § 8459½a (3a), ante

(3c) Rates of pay; pay of officers of reserve forces authorized to receive Federal pay; increase—When officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in the tenth paragraph of section 1. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this Act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627, amended, May 31, 1924, c. 224, § 1, 43 Stat. 250)

This submission was amended by Act May 31, 1924, c 224, § 1, cited above, by adding the second sentence. Section 7 of said act provides that the act shall be effective from and after July 1, 1922. See note to § 8459½a(3a), ante

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat 1080 The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c. 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080 By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Rreserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c 18, 40 Stat 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c 114, 40 Stat 704 Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c. 225, 41 Stat 812, and Act July 12 1921, c 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations See §§ 2990½-1 to 2990½-40, and notes thereunder

(3d) Same; "dependent" defined—The term "dependent" as used in the succeeding sections of this Act shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c. 212, § 4, 42 Stat 627)

See note to § 8459½a (3a), ante

(3e) Money allowances for subsistence—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances Provided, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c. 212, § 5, 42 Stat. 628)

See note to § 8459½a (3a), ante.

(3f). Money allowances for rental of quarters—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters. The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year as compared with rents for the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer, receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the

fifth or sixth period the amount of this allowance shall be equal to that for six rooms

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of rooms would be adequate for the occupancy of the officer and his dependents.

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof (June 10, 1922, c. 212, § 6, 42 Stat. 628, amended May 31, 1924, c. 224, § 2, 43 Stat. 250)

This subdivision was amended by Act May 31, 1924, c 224, § 2, cited above, to read as set forth above, effective from and after July 1, 1922 Prior to this amendment this subdivision read as follows:

"Each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $30 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty"

See note to § 8459½a(3a), ante

(3g) Rates of pay; maximum amount of base pay; pay for length of service, and allowances for subsistence and rental of quarters—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this Act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200: Provided, That this section shall not apply to the Captain Commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey (June 10, 1922, c. 212, § 7, 42 Stat. 628)

See note to § 8459½a (3a), ante

(3h) Same; base pay of warrant officers—On and after July 1 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows During the first six years of service—at sea, $153; on shore, $135, during the second six years of service—at sea, $168, on shore, $147, after twelve years' service—at sea, $189; on shore, $168 On and after July 1, 1922, for purposes of pay, enlisted men of the Navy and Coast Guard shall be distributed in seven grades, with monthly base rates of pay as follows: First grade, $126; second grade, $84, third grade, $72; fourth grade, $60; fifth grade, $54; sixth grade, $36; seventh grade, $21 Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $99 (June 10, 1922, c. 212, § 10, 42 Stat. 630)

See note to § 8459½a (3a), ante

(3i) Same; pay grade for various ratings of enlisted men; increase for length of service—The Secretary of the Navy is authorized to fix the pay grade for the various ratings of enlisted men of the Navy, and the Secretary of the Treasury is authorized to fix the pay grade for the various ratings of enlisted men of the Coast Guard Mates shall receive the pay of enlisted men of the first grade of the Navy Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve In lieu of all permanent additions to pay now authorized for enlisted men of the Navy and Coast Guard, they shall receive, as a permanent addition to their pay, an increase of 10 per centum on the base pay of their rating upon completion of the first four years of enlisted service, and an additional increase of 5 per centum for each four years' service thereafter, the total not to exceed 25 per centum All transient additions to pay of enlisted men of the Navy and Coast Guard are hereby repealed, except as provided for in section 21 of this Act. (June 10, 1922, c. 212, § 10, 42 Stat. 630)

See note to § 8459½a (3a), ante.

The Naval Reserve Force, established under Act Aug 29, 1916, c. 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat 1080 The United States Marine Corps Reserve, established under Act Aug 29, 1916, c. 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat. 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c. 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 26, 1917, c. 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations. See §§ 2900½-1 to 2900½-40, and notes thereunder.

Act March 3, 1925, c. 436, 43 Stat, reads as follows: "The accounting officers of the Government are authorized and directed to allow in the settlement of the accounts of disbursing officers of the Government all payments of enlistment allowances made by them to honorably dis-

charged enlisted men of the Navy who enlisted in the Coast Guard within a period of three months from the date of discharge from the Navy, between July 1, 1922, and January 20, 1925."

(3j) Same; enlistment gratuity laws repealed; enlistment allowances; retired pay of enlisted men—The rates of pay of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding ratings. Existing laws authorizing a reenlistment gratuity to enlisted men of the Navy and Coast Guard are hereby repealed, and an enlistment allowance equal to $50 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $200, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $100, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. On and after July 1, 1922, retired enlisted men of the Navy and Coast Guard shall have their retired pay computed as now authorized by law on the basis of pay provided by this Act. (June 10, 1922, c. 212, § 10, 42 Stat. 630)

See note to § 8459½a (3a), ante

(3jj). Longevity pay of enlisted men; credit for service as warrant or commissioned officers—All enlisted men of all the services mentioned in the title of this Act who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computation of their enlisted service, for longevity pay purposes, and shall be paid accordingly. (June 10, 1922, c 212, § 10, amended, May 31, 1924, c. 224, § 3, 43 Stat. 251)

This subdivision was added to section 10 of Act June 10, 1922, c. 212, by Act May 31, 1924, c. 224, § 3, cited above. Section 7 of said Act May 31, 1924, c. 224, provides that the act shall be effective from and after July 1, 1922. See, also, ante, §§ 2815a(11a), 2815a(11b).

(3k) Money allowances to warrant officers and enlisted men for subsistence and rental of quarters; subsistence for pilots; commutation of rations—Warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $4 per day. These regulations shall be uniform for all the services mentioned in the title of this Act. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law. (June 10, 1922, c. 212, § 11, 42 Stat. 630.)

See note to § 8459½a (3a), ante.

(3kk). Money allowances for subsistence and rental of quarters to reserve officers and reserve warrant officers while on active duty—Officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10 1922 while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat 1507.)

This subdivision is § 1 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes," cited above.

For sections 5, 6, and 11 of Act June 10, 1922, c 212, mentioned in this section, see ante, § 8459½a(3e), (3f), (3k)

(3l) Mileage allowance to officers; travel expenses—Officers of any of the services mentioned in the title of this Act, when traveling under competent orders without troops shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat. 631)

See note to § 8459½a (3a), ante.

(3ll). Travel expenses for travel on government-owned vessels—Officers of the Coast Guard performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred. (Jan. 22, 1925, c. 87, title I, 43 Stat. 772.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above

(3m) Money allowances in lieu of transportation in kind for dependents of commissioned and enlisted personnel—In lieu of the transportation in kind authorized by section 12 of an Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent

children shall be such as are defined in section 4 of this Act (June 10, 1922, c 212 § 12, 42 Stat 631)

See note to § 8459½a (3a), ante

(3n) Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed—Existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1 1922 (June 10, 1922, c 212, § 15, 42 Stat 632)

See note to § 8459½a (3a), ante

(3nn). Heat or light in kind prohibited to persons receiving allowances for rental of quarters—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service" approved June 10, 1922 (March 2, 1923, c. 178, title I, 42 Stat 1385.)

From the War Department appropriation act for the year 1924, cited above.

(3o) Rates of pay; existing pay of officers and persons whose pay is based upon pay of commissioned officers not reduced; pay and allowances of enlisted men not reduced—Nothing contained in this Act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the Act entitled 'An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this Act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer. (June 10, 1922, c. 212, § 16, 42 Stat 632.)

See note to § 8459½a (3a), ante

(3p) Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers, warrant officers, and enlisted men when on active duty—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this Act: Provided, That nothing contained in this Act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this Act. Provided, That the pay saved to an officer by section 16 of this Act or by the Act of September 14, 1922, shall be construed as the pay provided in this Act for the purpose of computing retired pay Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. * * Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances (June 10, 1922, c. 212, § 17, 42 Stat 632, amended, May 31, 1924, c. 224, § 6, 43 Stat 252)

This subdivision was amended by Act May 31, 1924, c 224, § 6 cited above, by adding to the first sentence the second proviso, as set forth above Section 7 of said amendatory act provides that the Act shall be effective from and after July 1, 1922

The omitted portion of this section relates only to the Philippine Scouts, and is set forth ante, § 2089a(16).

See note to § 8459½a (3a), ante

(3q) Additional pay to enlisted men for special qualifications; laws repealed—Under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect July 1, 1922 (June 10, 1922, c 212, § 18, 42 Stat 632)

See note to § 8459½a (3a), ante

(3r) Rates of pay; pay and allowances of cadets and cadet engineers—Cadets at the Military Academy and cadets and cadet engineers of the Coast Guard shall receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy (June 10, 1922, c 212, § 19, 42 Stat 632)

See note to § 8459½a (3a), ante

(3s) Increase of pay; officers, warrant officers and enlisted men detailed to duty involving flying; number detailed—All officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army Exclusive of the Army Air Service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this Act detailed to duty involving flying shall not at any one time exceed one-half of 1 per centum of the total authorized commissioned strength of such service. Officers, warrant officers, and enlisted men of the National Guard participating in exercises or performing duties provided for by sections 92, 94, 97, and 99 of the National Defense Act, as amended, and of the reserves of the services mentioned in the title of this Act called to active duty shall receive an increase of 50 per centum of their pay while on duty requiring them to participate regularly and frequently in aerial flights, and when such flying duty involves travel they shall also receive the same allowances for traveling expenses as are or hereafter may be authorized for the Regular Army. Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable in his judgment, be uniform for all the services concerned (June 10, 1922, c 212, § 20, 42 Stat. 632, amended, May 31, 1924, c. 224, § 4, 43 Stat 251)

This subdivision was amended by Act May 31, 1924, c 224, § 4, cited above, by striking out the last sentence and inserting in lieu thereof the matter beginning "Officers, warrant officers, and enlisted men of the National Guard," etc. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

See note to § 8459½a (3a), ante.

(3t) Existing laws and regulations not changed; allowances in kind for rations, quarters, heat, and light for officers and warrant officers; allowances for private mounts for officers; transportation and packing allowances for bag-

gage or household effects of officers and warrant officers and enlisted men; additional pay for aides; extra pay to enlisted men serving as stenographic reporters, etc.; money allowances to enlisted men awarded medals or decorations—Nothing in this Act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers, nor transportation in kind for officers and warrant officers and enlisted men and their dependents, nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men, nor additional pay for aides, nor extra pay to enlisted men serving as stenographic reporters or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: Provided, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date (June 10, 1922, c. 212, § 21, 42 Stat. 633, amended, May 31, 1924, c 224, § 5, 43 Stat. 251)

This subdivision was amended by Act May 31, 1924, c 224, § 5 cited above, by adding the proviso Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922
See note to § 8459½a (3a), ante.

(3u) Time of taking effect of act; inconsistent laws repealed—The provisions of this Act shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date. (June 10, 1922, c. 212, § 22, 42 Stat. 633.)

See note to § 8459½a (3a), ante

(3½) Pay and allowances of commissioned officers, warrant officers, petty officers, and enlisted men; grades and ratings of warrant officers, etc.—Commissioned officers, warrant officers, petty officers, and other enlisted men of the Coast Guard shall receive the same pay, allowances, and increases as now are, herein are, or hereafter may be prescribed for corresponding grades or ratings and length of service in the Navy, and the grades and ratings of warrant officers, chief petty officers, petty officers and other enlisted persons in the Coast Guard shall be the same as in the Navy, in so far as the duties of the Coast Guard may require, with the continuance, in the Coast Guard, of the grade of surfman, whose base pay shall be $70 per month. (May 18, 1920, c. 190, § 8, 41 Stat. 603)

This subdivision, and the subdivision next following are § 8 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above.
See ante, §§ 8459½a(3a)-8459½a(3u). See, also, ante, § 2089a(1), and notes thereunder.

(3¾) Rank, pay, and allowances of senior district superintendent, and other district superintendents—The senior district superintendent, the three district superintendents next in order of seniority, the four district superintendents next below these three in order of seniority, and the junior five district superintendents shall have the rank, pay, and allowances of captain, first lieutenant, second lieutenant, and third lieutenant in the Coast Guard, respectively. (May 18, 1920, c 190 § 8, 41 Stat 603)

(11a) Transfer of naval vessels to Coast Guard—The Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard. (April 21, 1924, c. 130, § 1, 43 Stat. 105)

See note to § 8459½a(2g), ante

(14½) Detail of enlisted personnel—Hereafter enlisted personnel of the Coast Guard shall not be detailed for duty in the Office of the Coast Guard in the District of Columbia (May 29, 1920, c 214, § 1, 41 Stat 630)

From the legislative, executive, and judicial appropriation act for the year 1921, cited above

(15) Skilled draftsmen and technical services—The services of skilled draftsmen, and such other technical services as the Secretary of the Treasury may deem necessary, may be employed only in the office of the Coast Guard in connection with the construction and repair of Coast Guard vessels and boats, to be paid from the appropriation "Repairs to Coast Guard vessels and boats" * * * A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the Budget (May 29, 1920, c 214, § 1, 41 Stat. 650 Jan. 3, 1923, c. 22, 42 Stat 1098 April 4, 1924, c. 84, title I, 43 Stat. 72. Jan. 22, 1925, c 87, title I, 43 Stat. 772)

From the Treasury Department appropriation act for the year 1926, cited above. A similar provision is contained in prior acts

(16) Leave of absence to officers; employment by Venezuelan Government—That the President of the United States be, and he is hereby, authorized to grant leave of absence without pay to such officer or officers of the United States Coast Guard as he may deem advisable, and to permit him or them to accept employment with the Venezuelan Government with such compensation and emoluments as may be agreed upon between the Venezuelan Government and such officer or officers thus granted leave of absence. (Feb. 27, 1920, c. 88, 41 Stat. 452)

This subdivision is an act entitled "An act granting leave of absence to officers of the Coast Guard and for other purposes," cited above

(17) Detail of enlisted men for duty in District of Columbia—Not more than ten enlisted men at one time may be detailed to duty in the District of Columbia. (June 5, 1920, c. 235, § 1, 41 Stat. 879.)

From the sundry civil appropriation act for the year 1921, cited above

(18) Officers authorized to administer oaths—Such commissioned and warrant officers of the Coast Guard as may be designated by the commandant of the Coast Guard are hereby authorized to administer such oaths as may be necessary in connection with recruiting and for the proper conduct of said service. (June 5, 1920, c. 235, § 1, 41 Stat. 880)

From the sundry civil appropriation act for the year 1921, cited above

(19) Deck courts—"Deck courts," to consist of one commissioned officer only, may be ordered by or under the direction of the Secretary of the Treasury for the trial of enlisted men in the Coast Guard for minor offenses now triable by Coast Guard courts; and said courts shall be governed in their organization and procedure substantially in accordance with naval "deck courts," and shall have the same power to impose punishment (June 5, 1920, c. 235, § 1, 41 Stat 880.)

From the sundry civil appropriation act for the year 1921, cited above.

(20) Computation of length of service of officers of Coast Guard—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194 Feb 11, 1925, c 209, 43 Stat. 872)

From the Navy Department and naval service appropriation act for the year 1926, cited above. A similar provision is contained in a prior act

Chapter B—The Revenue-Cutter Service

§ 8459½b.

(19½) Pay and allowance of civilian instructors—A civilian instructor in the Coast Guard, after five years' service as such, shall have the pay and allowances of a second lieutenant, and after ten years of such service shall have the pay and allowances of a first lieutenant in the Coast Guard (July 1, 1918, c. 113, § 1, 40 Stat. 640.)

From the sundry civil appropriation act for the year 1919, cited above
See ante, §§ 8459½a(2a)-8459½a(3u).

(34½) Pay and allowances of cadets—Cadets in the Coast Guard shall receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy. (July 1, 1918, c. 113, § 1, 40 Stat. 640.)

From the sundry civil appropriation act for the year 1919, cited above
See ante, §§ 8459½a(3a)-8459½a(3u).

(42¾) Rate for commutation of rations—Hereafter when rations for the Coast Guard are commuted they shall be commuted at a rate not to exceed the average cost of the ration for the preceding six months, as determined by the Secretary of the Treasury. (March 6, 1920, c. 94, § 1, 41 Stat 506)

From the deficiency appropriation act for the year 1920, and prior years, cited above

(42⅝) Purchase of Quartermaster supplies—Officers and enlisted men of the Coast Guard shall be permitted to purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price as is charged the officers and enlisted men of the Army, Navy, and Marine Corps. (March 6, 1920, c. 94, § 1, 41 Stat. 506)

From the deficiency appropriation act for the year 1920, and prior years, cited above.

Chapter C—The Life-Saving Service

§ 8514d. Stations; on Lake Superior, in Cook County, Minnesota—That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Lake Superior, in Cook County, Minnesota, in such locality as the captain commandant of the Coast Guard may recommend. (May 6, 1920, c. 168, 41 Stat. 588.)

This section is an act entitled "An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minnesota," cited above.

§ 8514e. Same; Green Bay in Door County, Wisconsin—That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wisconsin, in such locality as the Captain Commandant of the Coast Guard may recommend, at a limit of cost for station buildings and equipment thereof of $35,000 (Sept 21, 1922, c. 359, 42 Stat. 991)

This section is an act entitled "An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wisconsin," cited above

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TITLE LVI—THE COAST AND GEODETIC SURVEY

§ 8561a.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title III, 43 Stat 1045, appropriates for the salaries of officers and clerical force of the Coast and Geodetic Survey as follows

"Pay, commissioned officers For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director with relative rank of captain, two hydrographic and geodetic engineers with relative rank of captain, seven hydrographic and geodetic engineers with relative rank of commander, nine hydrographic and geodetic engineers with relative rank of lieutenant commander, thirty-eight hydrographic and geodetic engineers with relative rank of lieutenant, fifty-five junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), twenty-nine aids with relative rank of ensign, and including officers retired in accordance with existing law, $500,000 * *

"Office force: For personal services in the District of Columbia in accordance with the Classification Act of 1923, $410,000. * *

"Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the director), except as now provided by law"

See, also, post, §§ 8562ee(1)-8562ee(14). See, also, ante, § 2089a(1), and notes thereunder.

§ 8561aa. Superintendent; relative rank, pay, and allowances; appointment; term of office—The Superintendent of the Coast and Geodetic Survey shall have the relative rank, pay, and allowances of a captain in the Navy, and that hereafter he shall be appointed by the President, by and with the advice and consent of the Senate, from the list of commissioned officers of the Coast and Geodetic Survey not below the rank of commander for a term of four years, and may be reappointed for further periods of four years each. (June 4, 1920, c. 228, § 1, 41 Stat. 825.)

From the Naval appropriation act for the year 1921, cited above.
See post, §§ 8562ee(1)-8562ee(14).

§ 8561aaa. Same; title changed—The title of "superintendent" of the United States Coast and Geodetic Survey is hereby changed to "director," but this change shall not affect the status of the present incumbent or require his reappointment. (June 5, 1920, c. 235, § 1, 41 Stat. 929)

From the sundry civil appropriation act for the fiscal year 1921, cited above

§ 8561aaaa. Assistant director; designation of officer to act as—The Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director. (March 28, 1922, c. 117, title I, 42 Stat. 482. Jan. 5, 1923, c 24, title I, 42 Stat. 1122. May 28, 1924, c 204, title III, 43 Stat 236. Feb. 27, 1925, c. 364, title III, 43 Stat. 1046.)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above The same provision is contained in prior acts.

§ 8562ee. Pay and allowances of commissioned officers—In lieu of compensation now prescribed by law, commissioned officers of the Coast and Geodetic Survey shall receive the same pay and allowances as now are or hereafter may be prescribed for officers

of the Navy with whom they hold relative rank as prescribed in the Act of May 22, 1917, entitled "An Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," including longevity, and all laws relating to the retirement of commissioned officers of the Navy shall hereafter apply to commissioned officers of the Coast and Geodetic Survey (May 18, 1920, c 190, § 11, 41 Stat 603)

This section is a part of § 11 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above

See post, § 8562ee(1)-8562ee(14) See, also, ante, § 2089a(1), and notes thereunder

§ 8562ee(1). (a) Rates of pay; pay periods— Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500, the second period, $2,000, the third period, $2,400, the fourth period, $3,000; the fifth period, $3,500, and the sixth period, $4,000.

(b) Pay of sixth period; to whom payable— The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, Act of June 3, 1916, as amended by the Act of June 4, 1920, to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army.

(c) Pay of fifth period; to whom payable—The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service: Provided, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service.

(d) Pay of fourth period; to whom payable— The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade, and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period

(e) Pay of third period; to whom payable— The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier, to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period

(f) Pay of second period; to whom payable— The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

(g) Pay of first period; to whom payable—The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

(h) Pay of certain officers during existence of state of war—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

(i) Increase for length of service; maximum; no increase of pay of officers or warrant officers on retired list—Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years: Provided, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750. Nothing contained in the first sentence of section 17 or in any other section of this Act shall

authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922.

(j) Service to be counted for pay purposes—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers in the service on June 30, 1922, there shall be included in the computation all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time, and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916 or of the National Guard the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation.

The Naval Reserve Force, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat 1080. By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c. 417, 39 Stat 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations. See §§ 2900⅝-1 to 2900⅝-40, and notes thereunder.

(k) Pay of persons serving, not as commissioned officers, but whose existing pay is equivalent to that of commissioned officers of certain enumerated grades—The provisions of this Act shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the title of this Act, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. * * (June 10, 1922, c. 212, § 1, 42 Stat. 625.)

This section, and sections 8562ee(2)-8562ee(6), 8562ee(7)-8562ee(8), 8562ee(9), 8562ee(10), 8562ee(11)-8562ee(14), post, are §§ 1-7, 12, 15-17, 21, 22, of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above, as amended.

Section 8 relates only to the Army, the Navy, and the Public Health Service, and is set forth ante, §§ 2089a(8), 2815a(7), and post, § 9129a(7), section 9 relates only to the Army and the Marine Corps, and is set forth ante, §§ 2089a(9), 2815a(8); section 10 relates only to the Navy and the Coast Guard, and is set forth ante, §§ 2815a(9)-2815a(11), 8459½a(3h)-8459½(3j); section 11 relates only to the Army, the Navy, and the Coast Guard, and is set forth ante, §§ 2089a(10), 2815a(12), 8459½a(3k); section 13 relates only to the Army and the Navy, and is set forth ante, §§ 2089a(13), 2815a(15); section 14 relates only to the National Guard and is set forth ante, §§ 3044uu, 3044vv(2), section 18 relates only to the Army, the Navy, and the Coast Guard, and is set forth ante, §§ 2089a(17), 2815a(19), 8459½a(3q); section 19 relates only to the Military Academy and the Coast Guard and is set forth ante, §§ 1226a, 8459½a(3r); section 20 relates only to the Army, the Navy, and the Coast Guard and is set forth ante, §§ 2089a(18), 2815a(20), 3044uu(1), 8459½a(3s).

The omitted portions of this section relate only to the Army, the Navy, and the Coast Guard, and are set forth ante, §§ 2089a(1), 2815a, 8459½a(3a).

This act, or such portions of it as are applicable, is also set forth ante under the titles "The Army," "The Navy," "The Militia," "The Coast Guard," and post, under the title "The Public Health."

§ 8562ee(2). Same; No increase of pay for field or sea duty—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c 212, § 2, 42 Stat. 627.)

See note to § 8562ee(1), ante.

§ 8562ee(3). Rates of pay; pay of officers of reserve forces authorized to receive Federal pay; increase—When officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in the tenth paragraph of section 1. In computing the increase of pay for each period of three years' service, such officers, shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this Act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627, amended, May 31, 1924, c. 224, § 1, 43 Stat. 250.)

This section was amended by Act May 31, 1924, c 224, § 1, cited above, by adding the second sentence, as set forth above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

See note to § 8562ee(1), ante.

The Naval Reserve Force, established under Act Aug. 29, 1916, c. 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz., the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb. 28, 1925, c. 374, 43 Stat. 1080. The United States Marine Corps Reserve, established under Act Aug 29, 1916, c. 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb. 28, 1925, c. 374, 43 Stat. 1080. By section 3 of said Act Feb 28, 1925, c. 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat. 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c. 9, 40 Stat 38, Act May 22, 1917, c. 18, 40 Stat 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c. 114, 40 Stat. 704, Act July,

11, 1919, c 9, 41 Stat. 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c. 44, 42 Stat 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat 625, relating to such organizations See §§ 2900½-1 to 2900½-40, and notes thereunder

§ 8562ee(4). Same; "dependent" defined—The term "dependent" as used in the succeeding sections of this Act shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c. 212, § 4. 42 Stat 627)

See note to § 8562ee(1), ante

§ 8562ee(5). Money allowance for subsistence—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act. shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922 The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances. Provided, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c. 212, § 5, 42 Stat. 628.)

See note to § 8562ee(1), ante.

§ 8562ee(6). Money allowance for rental of quarters—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters. The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year as compared with rents for the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer, receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms.

No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of rooms would be adequate for the occupancy of the officer and his dependents

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof. (June 10. 1922 c. 212, § 6, 42 Stat. 628, amended, May 31, 1924, c 224, § 2, 43 Stat 250.)

This section was amended by Act May 31, 1924, c. 224, § 2, cited above, to read as set forth above, effective July 1, 1922 Prior to this amendment this section read as follows

"Each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922 Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty."

See note to § 8562ee(1), ante.

§ 8562ee(6¼). Money allowances to reserve officers and reserve warrant officers while on active duty—Officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under

the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat. 1507)

This section is § 1 of an act entitled "An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers, and for other purposes," cited above

§ 8562ee(7). Rates of pay; maximum of base pay; pay for length of service, and allowances for subsistence and rental of quarters—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this Act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200. Provided, That this section shall not apply to the Captain Commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey (June 10, 1922, c. 212, § 7, 42 Stat. 628)

See note to § 8562ee(1), ante.

§ 8562ee(7a). Compensation of longevity pay of enlisted men—All enlisted men of all the services mentioned in the title of this Act who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computation of their enlisted service for longevity pay purposes, and shall be paid accordingly. (June 10, 1922, c. 212, § 10, amended, May 31, 1924, c. 224, § 3, 43 Stat. 251.)

This section was added to § 10 of Act June 10, 1922, c. 212 by Act May 31, 1924, c. 224, § 3, cited above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922. See, also, ante §§ 2815 (11a), 2815a(11b).

§ 8562ee(8). Mileage allowance to officers; travel expenses—Officers of any of the services mentioned in the title of this Act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat. 631)

See note to § 8562ee(1), ante.

§ 8562ee(8¼). Travel expenses for travel on government-owned vessels—Officers of the Coast and Geodetic Survey performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred (Feb. 27, 1925, c. 364, title III, 43 Stat. 1046)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor for the year 1926, cited above

§ 8562ee(9). Money allowances in lieu of transportation in kind for dependents of commissioned and enlisted personnel—In lieu of the transportation in kind authorized by section 12 of an Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this Act (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

See note to § 8562ee(1), ante

§ 8562ee(10). Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed—Existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1, 1922 (June 10, 1922, c. 212, § 15, 42 Stat. 632)

See note to § 8562ee(1), ante.

§ 8562ee(10a). Heat and light prohibited to persons receiving allowances for rental of quarters—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922. (March 2, 1923, c. 178, title I, 42 Stat. 1385)

From the War Department appropriation act for the year 1924, cited above

§ 8562ee(11). Rates of pay; existing pay of officers and persons whose pay is based upon pay of commissioned officers not reduced; total of existing pay and allowances of enlisted men not reduced—Nothing contained in this Act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this Act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer. (June 10, 1922, c. 212, § 16, 42 Stat. 632)

See note to § 8562ee(1), ante.

§ 8562ee(12). Retired pay; officers and warrant officers; no promotion of retired officers for

active duty; pay and allowances of retired officers, warrant officers and enlisted men when on active duty—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this Act: Provided, That nothing contained in this Act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this Act: Provided, That the pay saved to an officer by section 16 of this Act or by the Act of September 14, 1922, shall be construed as the pay provided in this Act for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion * * * Retired officers of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances (June 10, 1922, c. 212, § 17, 42 Stat 632, amended May 31, 1924, c 224, § 6, 43 Stat 252)

This section was amended by Act May 31, 1924, c 224, § 6, cited above, by adding the second proviso, as set forth above Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922
The omitted portion of this section relates only to the Philippine Scouts, and is set forth ante, § 2089a(16)
See note to § 8562ee(1), ante

§ 8562ee(13). Existing laws and regulations not changed; allowances in kind for rations, quarters, heat and light for officers and warrant officers; transportation and packing allowances for baggage or household effects of officers, warrant officers, and enlisted men; extra pay to enlisted men serving as stenographic reporters, etc.; money allowances to enlisted men awarded medals or decorations—Nothing in this Act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aides; nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: Provided, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date. (June 10, 1922, c. 212, § 21, 42 Stat. 633, amended, May 31, 1924, c. 224, § 5, 43 Stat. 251.)

This section was amended by Act May 31, 1924, c. 224, § 5, cited above, by adding the proviso Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.
See note to § 8562ee(1), ante.

§ 8562ee(14). Time of taking effect of act; inconsistent laws repealed—The provisions of this Act shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date (June 10, 1922 c 212, § 22, 42 Stat 633)

See note to § 8562ee(1), ante

§ 8562g. Military surveys and maps—Military surveys and maps. For the execution of topographic and other surveys, the securing of such extra topographic data as may be required, and the preparation and printing of maps required for military purposes * * * Provided, That the Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in this work and to allot funds therefor to them from this appropriation (June 30, 1922, c. 253, title I, 42 Stat 741, March 2, 1923, c 178, title I, 42 Stat 1402 June 7, 1924, c 291, title I, 43 Stat. 496 Feb. 12, 1925, c 225, title I, 43 Stat. 911)

From the War Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 8562gg. Seismological investigations—The Coast and Geodetic Survey is hereby authorized to make investigations and reports in seismology, including such investigations as have been heretofore performed by the Weather Bureau (Jan 31, 1925, c. 121, 43 Stat. 802.)

This section is an act entitled "An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes," cited above

§ 8562h. Transfer of instruments to educational institutions and museums—The Secretary of Commerce is authorized to transfer, under such rules and regulations as he may deem advisable, to educational institutions and to museums, such instruments of the United States Coast and Geodetic Survey as, in his judgment, are of historical value but of no further use in the work of that survey, except such historical instruments as may be needed by the Smithsonian Institution for exhibit at the National Museum. (June 5, 1920, c. 235, § 1, 41 Stat. 930)

From the sundry civil appropriation act for the year 1921, cited above

§ 8562hh. Claims for damages; adjustment—The Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, is hereby authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed $500, hereafter occasioned by acts for which the Coast and Geodetic Survey shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor. (June 5, 1920, c. 256, 41 Stat 1054.)

This section is an act entitled "An act authorizing the Superintendent of the Coast and Geodetic Survey, subject to the approval of the Secretary of Commerce, to consider, ascertain, adjust, and determine claims for damages occasioned by acts for which said survey is responsible in certain cases," cited above.

§ 8562i. Computation of length of service of officers of Coast and Geodetic Survey—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 208, 43 Stat. 194.)

From the Navy Department and Naval Service appropriation act for the year 1926, cited above. A similar provision is contained in a prior act.

§ 8562j. Utility topographical survey; completion—That the President be, and hereby is, authorized to complete, within a period of twenty years from the date of the passage of this Act, a general utility topographical survey of the territory of the United States, including adequate horizontal and vertical control, and the securing of such topographic and hydrographic data as may be required for this purpose, and the preparation and publication of the resulting maps and data Provided, That in carrying out the provisions of this Act the President is authorized to utilize the services and facilities or such agency or agencies of the Government as now exist, or may hereafter be created, and to allot to them (in addition to and not in substitution for other funds available to such agencies under other appropriations or from other sources) funds from the appropriation herein authorized, or from such appropriation or appropriations as may hereafter be made for the purpose of this Act. (Feb. 27, 1925, c. 360, § 1, 43 Stat 1011.)

This section, and the two sections next following, are an act entitled "An act to provide for the completion of the topographical survey of the United States," cited above.

§ 8562k. Same; cooperative agreements with states, etc.—The agencies which may be engaged in carrying out the provisions of this Act are authorized to enter into cooperative agreements with and to receive funds made available by any State or civic subdivision for the purpose of expediting the completion of the mapping within its borders. (Feb. 27, 1925, c. 360, § 2, 43 Stat. 1011.)

See note to § 8562j, ante

§ 8562l. Same; appropriation—The sum of $950,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to be available until the 30th day of June, 1926, for the purpose of carrying out the provisions of this Act, both in the District of Columbia and elsewhere as the President may deem essential and proper. (Feb. 27, 1925, c 360, § 3, 43 Stat. 1011.)

See note to § 8562j, ante.

TITLE LVI A—REGULATION OF COMMON CARRIERS OF INTERSTATE AND FOREIGN COMMERCE

Chapter A—Regulation of Transportation

§ 8563. (1) Carriers and transportation subject to regulation—The provisions of this Act shall apply to common carriers engaged in—

(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipe line, or partly by pipe line and partly by railroad or by water; or

(c) The transmission of intelligence by wire or wireless;—

from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country, but only in so far as such transportation or transmission takes place within the United States

This paragraph, and the five paragraphs next following, are the first four paragraphs of § 1 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c 91, § 400 (Title IV of the Transportation Act, 1920). For these paragraphs, prior to these amendments, see U S Comp St. 1918, § 8563(1-4)

(2) Same—The provisions of this Act shall also apply to such transportation of passengers and property and transmission of intelligence but only in so far as such transportation or transmission takes place within the United States, but shall not apply—

(a) To the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State and not shipped to or from a foreign country from or to any place in the United States as aforesaid;

(b) To the transmission of intelligence by wire or wireless wholly within one State and not transmitted to or from a foreign country from or to any place in the United States as aforesaid, or

(c) To the transportation of passengers or property by a carrier by water where such transportation would not be subject to the provisions of this act except for the fact that such carrier absorbs, out of its port-to-port water rates or out of its proportional through rates, any switching, terminal, lighterage, car rental, trackage, handling, or other charges by a rail carrier for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district.

See note to § 8563(1), ante

(3) Definitions—The term "common carrier" as used in this Act shall include all pipe-line companies, telegraph, telephone, and cable companies operating by wire or wireless; express companies; sleeping-car companies, and all persons, natural or artificial, engaged in such transportation or transmission as aforesaid as common carriers for hire Wherever the word "carrier" is used in this Act it shall be held to mean "common carrier." The term "railroad" as used in this Act shall include all bridges, car floats, lighters, and ferries used by or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and also all switches, spurs, tracks, terminals, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards, and grounds, used or necessary in the transportation or delivery of any such property. The term "transportation" as used in this Act shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported. The term "transmission" as used in this Act shall include the transmission of intelligence through the application of electrical energy or other use of electricity, whether by means of wire, cable, radio apparatus, or other wire or wireless conductors or appliances, and all instrumentalities and facilities for and services in connection with the receipt, forwarding, and delivery of messages, communications, or other intelligence so transmitted, hereinafter also collectively called messages.

See note to § 8563(1), ante

(4) Duty to furnish transportation and establish through routes and just and reasonable rates, etc.—It shall be the duty of every common carrier subject to this Act engaged in the transportation of passengers or property to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates, fares, and charges applicable thereto, and to provide reasonable facilities for operating through routes and to make reasonable rules and regulations with respect to the operation of through routes, and providing for reasonable compensation to those entitled thereto, and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof as between the carriers subject to this Act participating therein which shall not unduly prefer or prejudice any of such participating carriers

See note to § 8563(1), ante

(5) Just and reasonable charges; classification of messages, and rates therefor; contracts by telegraph, etc., companies with carriers for exchange of services—All charges made for any service rendered or to be rendered in the transportation of passengers or property or in the transmission of intelligence by wire or wireless as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful. Provided, That messages by wire or wireless subject to the provisions of this Act may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as are just and reasonable, and different rates may be charged for the different classes of messages: And provided further, That nothing in this Act shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers for the exchange of services.

See note to § 8563(1), ante

(6) Classification of property for transportation; regulations and practices affecting transportation—It is hereby made the duty of all common carriers subject to the provisions of this Act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this Act which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this Act upon just and reasonable terms, and every unjust and unreasonable classification, regulation, and practice is prohibited and declared to be unlawful.

See note to § 8563(1), ante.

(7) Free passes or free transportation for passengers—No common carrier subject to the provisions of this Act, shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work, to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation, to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge; to necessary care takers of live stock, poultry, milk, and fruit, to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies, to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors, to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: And provided further, That this provision shall not be construed to prohibit the privilege of passes or franks, or the exchange thereof with each other, for the officers, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, agents employees and their families of other common carriers subject to the provisions of this Act: Provided further, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority of persons who died, while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and any amendment thereof.

This paragraph, and the 2 paragraphs next following, are paragraphs 5-7 of § 1 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 401 (Title IV of the Transportation Act, 1920). This last amendment consists in changing the numbering of the paragraphs from 5, 6, and 7 to 7, 8, and 9, without other change, as set forth here.

(8) Transportation of article or commodity manufactured, mined, or produced by railroad, or which it owns, or in which it has an interest—From and after May first, nineteen hundred and eight, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or

which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

See note to § 8563(7), ante.

(9) Switch connections and tracks—Any common carrier subject to the provisions of this Act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper or owner of such lateral, branch line of railroad, such shipper or owner of such lateral, branch line of railroad may make complaint to the commission, as provided in section thirteen of this Act, and the commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor, and the commission may make an order, as provided in section fifteen of this Act, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the commission, other than orders for the payment of money.

See note to § 8563(7), ante.

(10) Car service; definition of—The term "car service" in this Act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of equipment, and the supply of trains, by any carrier by railroad subject to this Act

This paragraph, and the 12 paragraphs next following, are a part of § 1 of the Interstate Commerce Act of 1887, as added thereto by Act May 29, 1917, c 23, as amended by Act Feb 28, 1920, c 91, § 402 (Title IV of the Transportation Act, 1920) For these paragraphs prior to this amendment, see U S Comp St 1918, § 8563(8-10)

(11) Same; duty to furnish—It shall be the duty of every carrier by railroad subject to this Act to furnish safe and adequate car service and to establish, observe, and enforce just and reasonable rules, regulations, and practices with respect to car service; and every unjust and unreasonable rule, regulation, and practice with respect to car service is prohibited and declared to be unlawful.

See note to § 8563(10), ante.

(12) Same; distribution of cars for transportation of coal; failure; forfeiture—It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense and the carrier, receiver, or operating trustee so failing or refusing shall forfeit to the United States the sum of $100 for each offense, which may be recovered in a civil action brought by the United States

See note to § 8563(10), ante

(13) Same; rules and regulations of carriers as to—The Commission is hereby authorized by general or special orders to require all carriers by railroad subject to this Act, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the Commission may in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this Act relating thereto

See note to § 8563(10), ante.

(14) Same; Commission may establish rules and regulations for—The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad subject to this Act, including the compensation to be paid for the use of any locomotive, car, or other vehicle not owned by the carrier using it, and the penalties or other sanctions for nonobservance of such rules, regulations or practices

See note to § 8563(10), ante.

(15) Same; suspension of operation of rules and regulations in case of shortage; priority in transportation in case of war—Whenever the Commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the Commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the Commission may determine: (a) to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the Commission; (b) to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers of locomotives, cars, and other vehicles, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals, including main-line track or tracks for a reasonable distance outside of such terminals, as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them. In time of war or threatened war the President may certify to the Commission that it is essential to the national defense and security that certain traffic shall have preference or priority in transportation, and the Commission shall, under the power herein conferred, direct that such preference or priority be afforded.

See note to § 8563(10), ante.

(16) Same; rerouting of traffic over other lines where initial carrier is unable to properly transport—Whenever the Commission is of opinion that any carrier by railroad subject to this Act is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over other lines of roads, as in the opinion of the Commission will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable.

See note to § 8563(10), ante.

(17) Same; directions of Commission, how made; duty to obey; penalty for failure—The directions of the Commission as to car service and to the matters referred to in paragraphs (15) and (16) may be made through and by such agents or agencies as the Commission shall designate and appoint for that purpose. It shall be the duty of all carriers by railroad subject to this Act, and of their officers, agents, and employees, to obey strictly and conform promptly to such orders or directions of the Commission, and in case of failure or refusal on the part of any carrier, receiver, or operating trustee to comply with any such order or direction such carrier, receiver, or trustee shall be liable to a penalty of not less than $100 nor more than $500 for each such offense and $50 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States: Provided, however, That nothing in this Act shall impair or affect the right of a State, in the exercise of its police power, to require just and reasonable freight and passenger service for intrastate business, except in so far as such requirement is inconsistent with any lawful order of the Commission made under the provisions of this Act

See note to § 8563(10), ante

(18) Extension or construction of new lines, etc., or abandonment of all or portion of lines; certificate of Commission—After ninety days after this paragraph takes effect no carrier by railroad subject to this Act shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this Act over or by means of such additional or extended line of railroad, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad, and no carrier by railroad subject to this Act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity permit of such abandonment.

See note to § 8563(10), ante.

(19) Same; certificate of Commission; application for; procedure—The application for and issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the Commission may from time to time prescribe, and the provisions of this Act shall apply to all such proceedings. Upon receipt of any application for such certificate the Commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which such additional or extended line of railroad is proposed to be constructed or operated, or all or any portion of a line of railroad or the operation thereof, is proposed to be abandoned, with the right to be heard as hereinafter provided with respect to the hearing of complaints or the issuance of securities, and said notice shall also be published for three consecutive weeks in some newspaper of general circulation in each county in or through which said line of railroad is constructed or operates.

See note to § 8563(10), ante

(20) Same; certificate of Commission; issue; unlawful extension, construction, or abandonment of lines; restraining; punishment—The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line of railroad, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, operation, or abandonment covered thereby Any construction, operation, or abandonment contrary to the provisions of this paragraph or of paragraph (18) or (19) of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, any commission or regulating body of the State or States affected, or any party in interest, and any carrier which, or any director, officer, receiver, operating trustee, lessee, agent, or person, acting for or employed by such carrier, who knowingly authorizes, consents to, or permits any violation of the provisions of this paragraph or of paragraph (18) of this section, shall upon conviction thereof be punished by a fine of not more than $5,000 or by imprisonment for not more than three years, or both

See note to § 8563(10), ante

(21) Safe and adequate facilities; Commission may authorize or require; penalty for neglect—The Commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this Act, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this Act, and to extend its line or lines: Provided, That no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this Act which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall be liable to a penalty of $100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

See note to § 8563(10), ante.

(22) Authority of Commission under paragraphs (18)-(21) not extended to spurs, industrial, etc., tracks located wholly within one state, etc.—The authority of the Commission conferred by paragraphs (18) to (21), both inclusive, shall

not extend to the construction or abandonment of spur, industrial, team, switching or side tracks, located or to be located wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam railroad system of transportation.

See note to § 8563(10), ante

(23) Obstructing or retarding orderly conduct or movement of interstate or foreign commerce, or movement of trains engaged therein—On and after the approval of this Act any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation by threats of physical force obstruct or retard, or aid in obstructing or retarding the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive car, or other vehicle on any railroad or elsewhere in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding $100 or by imprisonment for not exceeding six months, or by both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail, or of the orderly conduct or movement of interstate or foreign commerce in any part of the United States, or of any train, locomotive, car, or other vehicle upon any railroad or elsewhere in the United States engaged in interstate or foreign commerce: Provided, That nothing in this section shall be construed to repeal, modify, or affect either section six or section twenty of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October fifteenth, nineteen hundred and fourteen.

This paragraph, and the paragraph next following, are a part of § 1 of the Interstate Commerce Act of 1887, as added thereto by Act Aug 10, 1917, c 51, as amended by Act Feb. 28, 1920, c 91, § 403 (Title IV of the Transportation Act, 1920) This last amendment consists in the changing of the numbering of the paragraphs, the enacting clause of the amendatory section reading as follows: "The fifteenth and sixteenth paragraphs of section 1 of the Interstate Commerce Act, added to such section by the Act entitled 'An Act to amend the Act to regulate commerce, as amended, and for other purposes,' approved August 10, 1917, are hereby amended by inserting '(23)' at the beginning of such fifteenth paragraph and '(24)' at the beginning of such sixteenth paragraph."

(24) Preference or priority of transportation of commodities essential to national defense; agencies at Washington by common carriers—During the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as, in his judgment, may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroad, water, or otherwise. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose or through the Interstate Commerce Commission. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated, shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. The common carriers subject to the Act to regulate commerce or as many of them as desire so to do are hereby authorized without responsibility or liability on the part of the United States, financial or otherwise, to establish and maintain in the city of Washington during the period of the war an agency empowered by such carriers as join in the arrangement to receive on behalf of them all notice and service of such orders and directions as may be issued in accordance with this Act, and service upon such agency shall be good service as to all the carriers joining in the establishment thereof. And it shall be the duty of any and all the officers, agents, or employees of such carriers by railroad or water or otherwise to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent or employee shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both, in the discretion of the court For the transportation of persons or property in carrying out the orders and directions of the President, just and reasonable rates shall be fixed by the Interstate Commerce Commission, and if the transportation be for the Government of the United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction. (Feb. 4, 1887, c. 104, § 1, 24 Stat, 379, amended, June 29, 1906, c. 3591, § 1, 34 Stat. 584, April 13, 1908, c. 143, 35 Stat. 60, June 18, 1910, c. 309, § 7, 36 Stat. 544, May 29, 1917, c. 23, 40 Stat. 101, Aug 10, 1917, c. 51, 40 Stat. 272, and Feb 28, 1920, c. 91, §§ 400–403, 41 Stat. 474–479)

See note to § 8563(23), ante.

§ 8564. Special rates and rebates prohibited—If any common carrier subject to the provisions of this Act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property or the transmission of intelligence, subject to the provisions of this Act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation or transmission of a like kind of traffic or message under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful. (Feb 4, 1887, c. 104, § 2, 24 Stat. 379, amended, Feb. 28, 1920, c. 91, § 404, 41 Stat. 479.)

For this section prior to this amendment by Act Feb. 28, 1920, c. 91, § 404, see U. S. Comp St 1918, § 8564

§ 8565. (1) Undue preferences prohibited—It shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any

particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever

(2) Freight to be kept until tariff charges and rates paid—From and after July 1, 1920, no carrier by railroad subject to the provisions of this Act shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to assure prompt payment of all such rates and charges and to prevent unjust discrimination Provided, That the provisions of this paragraph shall not be construed to prohibit any carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia.

(3) Equal facilities to connecting lines—All carriers, engaged in the transportation of passengers or property, subject to the provisions of this Act, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers or property to and from their several lines and those connecting therewith, and shall not discriminate in their rates, fares, and charges between such connecting lines, or unduly prejudice any such connecting line in the distribution of traffic that is not specifically routed by the shipper

(4) Terminal facilities; compensation for—If the Commission finds it to be in the public interest and to be practicable, without substantially impairing the ability of a carrier owning or entitled to the enjoyment of terminal facilities to handle its own business, it shall have power to require the use of any such terminal facilities, including main line track or tracks for a reasonable distance outside of such terminal, of any carrier, by another carrier or other carriers, on such terms and for such compensation as the carriers affected may agree upon, or, in the event of a failure to agree, as the Commission may fix as just and reasonable for the use so required, to be ascertained on the principle controlling compensation in condemnation proceedings. Such compensation shall be paid or adequately secured before the enjoyment of the use may be commenced. If under this paragraph the use of such terminal facilities of any carrier is required to be given to another carrier or other carriers, and the carrier whose terminal facilities are required to be so used is not satisfied with the terms fixed for such use, or if the amount of compensation so fixed is not duly and promptly paid, the carrier whose terminal facilities have thus been required to be given to another carrier or other carriers shall be entitled to recover, by suit or action against such other carrier or carriers, proper damages for any injuries sustained by it as the result of compliance with such requirement, or just compensation for such use, or both, as the case may be (Feb 4, 1887, c 104, § 3, 24 Stat 380, amended, Feb. 28, 1920, c. 91, § 405, 41 Stat. 479.)

The amendment of this section by Act Feb. 28, 1920, c 91, cited above, consists in the division of the section, and the numbering of the first sentence thereof, without any verbal change, as paragraph (1), as set forth above; the addition of paragraph (2), as set forth above; the numbering of the second sentence of the section as paragraphs (3), (4), and the amendment thereof, as set forth above For this section, prior to this amendment, see U S Comp St. 1918, § 8565.

§ 8566. (1) Charges for long and short hauls; charges on through route; temporary continuance of existing rates—It shall be unlawful for any common carrier subject to the provisions of this Act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this Act, but this shall not be construed as authorizing any common carrier within the terms of this Act to charge or receive as great compensation for a shorter as for a longer distance Provided, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed: and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points, and no such authorization shall be granted on account of merely potential water competition not actually in existence: And provided further, That rates, fares, or charges existing at the time of the passage of this amendatory Act by virtue of orders of the Commission or as to which application has theretofore been filed with the Commission and not yet acted upon, shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the Commission.

(2) Competition of railroads with water routes—Wherever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points it shall not be permitted to increase such rates unless after hearing by the Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition. (Feb 4, 1887, c 104, § 4, 24 Stat. 380, amended, June 18, 1910, c. 309, § 8, 36 Stat. 547, and Feb. 28, 1920, c. 91, § 406, 41 Stat. 480.)

This section is § 4 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c 91, § 406 (Title IV of the Transportation Act of 1920), cited above For this section prior to this last amendment, see U S. Comp St 1918, § 8566.

§ 8567. (1) Pooling; division of traffic or earnings—Except upon specific approval by order of the Commission as in this section provided, and except as provided in paragraph (16) of section 1 of this Act, it shall be unlawful for any common carrier subject to this Act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid each day of its continuance shall be deemed a separate offense: Provided, That whenever the Commission is of opinion, after hearing upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this Act, or upon its own initiative, that the division of their traf-

fic or earnings, to the extent indicated by the Commission, will be in the interest of better service to the public or economy in operation, and will not unduly restrain competition, the Commission shall have authority by order to approve and authorize, if assented to by all the carriers involved, such division of traffic or earnings, under such rules and regulations and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the Commission to be just and reasonable in the premises

This paragraph, and the 7 paragraphs next following, are an amendment of § 5 of the Interstate Commerce Act of 1887, as originally enacted, by Act Feb 28, 1920, c 91 § 407 (Title IV of the Transportation Act, 1920). For this section prior to this amendment, see U S Comp. St. 1918, § 8567

(2) Acquisition of control of one carrier by another, when authorized—Whenever the Commission is of opinion, after hearing, upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this Act, that the acquisition, to the extent indicated by the Commission, by one of such carriers of the control of any other such carrier or carriers either under a lease or by the purchase of stock or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, will be in the public interest, the Commission shall have authority by order to approve and authorize such acquisition, under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the Commission to be just and reasonable in the premises.

See note to § 8567(1), ante.

(3) Orders under paragraphs one or two—The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1) or (2), as it may deem necessary or appropriate.

See note to § 8567(1), ante.

(4) Consolidation of railroad properties into limited number of systems; plan for; cost of transportation by various systems—The Commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties

See note to § 8567(1), ante

(5) Same; notice of tentative plan; hearings; adoption and publication of plan—When the Commission has agreed upon a tentative plan, it shall give the same due publicity and upon reasonable notice, including notice to the Governor of each State, shall hear all persons who may file or present objections thereto. The Commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end, the Commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon application, reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan

See note to § 8567(1), ante

(6) Consolidation of properties of two or more carriers by railroad; bonds and stock; application for consolidation; notice; hearings; order approving consolidation—It shall be lawful for two or more carriers by railroad, subject to this Act, to consolidate their properties or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership, management, and operation, under the following conditions

(a) The proposed consolidation must be in harmony with and in furtherance of the complete plan of consolidation mentioned in paragraph (5) and must be approved by the Commission,

(b) The bonds at par of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock at par of such corporation, shall not exceed the value of the consolidated properties as determined by the Commission. The value of the properties sought to be consolidated shall be ascertained by the Commission under section 19a of this Act, and it shall be the duty of the Commission to proceed immediately to the ascertainment of such value for the properties involved in a proposed consolidation upon the filing of the application for such consolidation

(c) Whenever two or more carriers propose a consolidation under this section, they shall present their application therefor to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties sought to be consolidated is situated and the carriers involved in the proposed consolidation, of the time and place for a public hearing. If after such hearing the Commission finds that the public interest will be promoted by the consolidation and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, with such modifications and upon such terms and conditions as it may prescribe, and thereupon such consolidation may be effected, in accordance with such order, if all the carriers involved assent thereto, the law of any State or the decision or order of any State authority to the contrary notwithstanding

See note to § 8567(1), ante.

(7) Consolidation of express companies into American Railway Express Company—The power and authority of the Commission to approve and authorize the consolidation of two or more carriers shall extend and apply to the consolidation of four express companies into the American Railway Express Company, a Delaware corporation, if application for such approval and authority is made to the Commission within thirty days after the passage of this amendatory Act; and pending the decision of the Commission such consolidation shall not be dissolved.

See note to § 8567(1), ante.

(8) Carriers affected by orders under this section relieved from operation of antitrust laws, etc.—The carriers affected by any order made under the foregoing provisions of this section and any corporation organized to effect a consolidation approved and authorized in such order shall be, and they are hereby, relieved from the operation of the "antitrust laws," as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and of all other restraints or prohibitions by law, State or Federal, in so far as may be necessary to enable them to do anything authorized or required by any order made

under and pursuant to the foregoing provisions of this section.

See note to § 8567(1), ante

(9) Owning, leasing, operating, controlling, or having interest in competing carrier by water operated through Panama Canal or elsewhere by carrier subject to act—From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the Act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense

This paragraph is an amendment of that part of § 5 of the Interstate Commerce Act of 1887, added to said section by Act Aug 24, 1912, c 390, § 11 This amendment consists in numbering said added provision (9), as set forth above.

(9) [bis] Consolidation of telephone companies—Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this Act, the commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State public service commission or other regulatory body, if any, having jurisdiction over telephone companies, and to such other persons as it may deem advisable After such public hearing, if the commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any Act or Acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this paragraph contained shall be construed as in any wise limiting or restricting the powers of the several States as now existing to control and regulate telephone companies

This paragraph is an amendment to § 407 of the Transportation Act of 1920, by adding thereto this paragraph as set forth above, by Act June 10, 1921, c 20, cited above. Said § 407 was an amendment of § 5 of Act Feb 4, 1887, c. 104, as amended by Act Aug 24, 1912, c 390, § 11 Another paragraph 9 was added to § 5 of Act Feb 4, 1887, c. 104, as amended, by § 408 of the Transportation Act of 1920

(10) Same; determination of fact of competition; hearings; orders—Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

This paragraph, and the paragraph next following, are two paragraphs of Act Aug 24, 1912, c 390, § 11, the first paragraph of which was added to § 5 of the Interstate Commerce Act of 1887 as an amendment. These paragraphs are made a part of said § 5 of the Interstate Commerce Act of 1887, and numbered (10) and (11), as set forth here, by Act Feb 28, 1920, c 91, § 408 (Title IV of the Transportation Act, 1920) See U S. Comp. St 1918, § 8568

(11) Continuation of water service where competition not excluded; filing of rates, schedules, and practices; application for extension of service—If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July first, nineteen hundred and fourteen. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: Provided, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July first, nineteen hundred and fourteen, but for any reason not heard and disposed of before said date, may be considered and granted thereafter (Feb 4, 1887, c 104, § 5, 24 Stat 380, amended, Aug. 24, 1912. c. 390, § 11, 37 Stat 566, Feb. 28, 1920, c. 91, §§ 407, 408, 41 Stat. 480–482, and June 10, 1921, c. 20, 42 Stat. 27.)

See note to § 8567(10), ante.

§ 8569. (1) Schedule of rates, fares, and charges; filing and inspection of public—Every common carrier subject to the provisions of this Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every

depot, station, or office of such carrier where passengers or freight respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this Act.

This paragraph, and the 12 paragraphs next following are § 6 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c. 91, §§ 409-413 (Title IV of the Transportation Act, 1920). The amendments to paragraphs (1) and (2) consist merely in the numbering of said paragraphs as set forth here. The amendment to paragraph (3) consists in the numbering of said paragraph as set forth here, and in the insertion of the last proviso, as set forth here. The amendments to paragraphs (4), (5), and (6) consist merely in the numbering of said paragraphs as set forth here. The amendment to paragraph (7) consists in the numbering of said paragraph as set forth here, and in striking out the proviso at the end thereof. The amendments to paragraphs (8), (9), (10), (11), and (12) consist merely in the numbering of said paragraphs as set forth here. The amendment to paragraph (13) consists in the numbering of said paragraph as set forth here, in combining the two paragraphs in (a), as enacted by Act Aug 24, 1912 c 390, § 11, and amending the same so as to read as set forth here, in amending subparagraph (c) to read as set forth here. For this section prior to these last amendments see U. S. Comp. St. 1918, § 8569(1-18).

(2) Schedule of through rates for freight through foreign country—Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

See note to § 8569(1), ante.

(3) Notice of change in rates, fares, and charges; simplification of schedules, etc.—No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Provided, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions: Provided further, That the Commission is hereby authorized to make suitable rules and regulations for the simplification of schedules of rates, fares, charges, and classifications and to permit in such rules and regulations the filing of an amendment of or change in any rate, fare, charge, or classification without filing complete schedules covering rates, fares, charges or classifications not changed if, in its judgment, not inconsistent with the public interest.

See note to § 8569(1), ante.

(4) Joint tariffs—The names of the several carriers which are parties to any joint tariff shall be specified therein and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

See note to § 8569(1) ante

(5) Copies of traffic contracts filed—Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party.

See note to § 8569(1), ante.

(6) Forms of schedules prescribed by Commission—The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

See note to § 8569(1), ante.

(7) Transportation of passengers or property, without filing and publishing rates; compensation other than as specified; refund of charges or rates; special privileges or facilities—No carrier, unless otherwise provided by this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act, nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

See note to § 8569(1), ante.

(8) Preference to shipments for United States—That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

See note to § 8569(1), ante.

(9) Schedules not giving notice of effective date—The commission may reject and refuse to file any schedule that is tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the commission shall be void and its use shall be unlawful.

See note to § 8569(1), ante.

(10) Penalty for failure to comply with regulations or orders of Commission—In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with the terms of any regulation adopted and promulgated or any order made by the

commission under the provisions of this section, such carrier, receiver, or trustee shall be liable to a penalty of five hundred dollars for each such offense, and twenty-five dollars for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

See note to § 8569(1), ante

(11) Penalty for failure to give written statement of rates or for misstating rate—If any common carrier subject to the provisions of this Act after written request made upon the agent of such carrier hereinafter in this section referred to, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of two hundred and fifty dollars, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

See note to § 8569(1), ante

(12) Name of resident agent of carrier by railroad posted; request for information as to rates—It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: "The Station Agent of the ——— Company at ——— Station," together with the name of the proper post-office, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any post-office.

See note to § 8569(1), ante.

(13) Jurisdiction of Commission; transportation by rail and water through Panama Canal or otherwise; dock connections between rail and water carriers; terms and conditions for operation of connecting tracks; through routes and joint rates; maximum proportional rates; extension of arrangements between rail and water carriers to other vessels—When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

(a) To establish physical connection between the lines of the rail carrier and the dock at which interchange of passenger or property is to be made by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of the railroad right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a track or tracks to the dock The Commission shall have full authority to determine and prescribe the terms and conditions upon which these connecting tracks shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier: Provided, That construction required by the Commission under the provisions of this paragraph shall be subject to the same restrictions as to findings of public convenience and necessity and other matters as is construction required under section 1 of this Act

(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced

(c) To establish proportional rates or maximum, or minimum, or maximum and minimum proportional rates, by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country. (Feb. 4, 1887, c. 104, § 6, 24 Stat 380, amended, March 2, 1889, c. 382, § 1, 25 Stat. 855, June 29, 1906, c. 3591, § 2, 34 Stat. 586, June 18, 1910, c. 309, § 9, 36 Stat. 548, Aug. 24, 1912, c. 390, § 11, 37 Stat 568, Aug. 29, 1916, c. 417, 39 Stat 604, and Feb. 28, 1920, c. 91, §§ 409–413, 41 Stat. 483)

See note to § 8569(1), ante.

§ 8574. (1) Violation of act by carrier or officer—Any common carrier subject to the provisions of his Act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this Act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this Act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this Act for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed five thousand dollars

for each offense: Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates fares, or charges for the transportation of passengers or property or the transmission of intelligence, such person shall in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years or both such fine and imprisonment, in the discretion of the court.

This paragraph, and the three paragraphs next following, are § 10 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 414 (Title IV of the Transportation Act, 1920) This amendment consists in the numbering of the paragraphs as set forth here and by inserting in the first paragraph, in the proviso, after the words 'transportation of passengers or property" the words 'or the transmission of intelligence"

(2) False billing or classification by carrier or officer for transportation of property at less than regular rates—Any common carrier subject to the provisions of this Act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

See note to § 8574(1), ante

(3) Obtaining or attempting to obtain transportation for property at less than regular rates by false billing or classification, or by making false claim for damages—Any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to the provisions of this Act, or for whom, as consignor or consignee, any such carrier shall transport property, who shall knowingly and willfully, directly, or indirectly, himself or by employé, agent, officer, or otherwise, by false billing, false classification, false weighing, false representation of the contents of the package or the substance of the property, false report of weight, false statement, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent, or officer, obtain or attempt to obtain transportation for such property at less than the regular rates then established and in force on the line of transportation; or who shall knowingly and willfully, directly or indirectly, himself or by employé, agent, officer, or otherwise, by false statement or representation as to cost, value, nature, or extent of injury, or by the use of any false bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to be false, fictitious, or fraudulent, or to contain any false, fictitious, or fraudulent statement or entry, obtain or attempt to obtain any allowance, refund, or payment for damage or otherwise in connection with or growing out of the transportation of or agreement to transport such property, whether with or without the consent or connivance of the carrier, whereby the compensation of such carrier for such transportation, either before or after payment, shall in fact be made less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed, be subject for each offense to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court Provided, That the penalty of imprisonment shall not apply to artificial persons.

See note to § 8574(1), ante

(4) Inducing or attempting to induce, by payment of money or solicitation, carrier or officer to discriminate unjustly in transportation of property—If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce or attempt to induce any common carrier subject to the provisions of this Act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom. (Feb 4, 1887, c. 104, § 10, 24 Stat. 382, amended, March 2, 1889, c 382, § 2, 25 Stat. 857, June 18, 1910, c 309, § 10, 36 Stat. 549, and Feb. 28, 1920, c. 91, § 414, 41 Stat. 483.)

See note to § 8574(1), ante

§ 8575a. Care, maintenance, etc., of Interstate Commerce Commission building transferred to Superintendent of State, War, and Navy Buildings—Interstate Commerce Commission Building. The responsibility for the care maintenance, and protection of the building or buildings occupied by the Interstate Commerce Commission in the District of Columbia and the disbursement of the funds appropriated therefor, together with all the machinery, tools, equipment, and supplies used, or for use, in connection therewith, shall be transferred on July 1, 1923, from the Interstate Commerce Commission to the Superintendent of the State, War, and Navy Department Buildings. (Feb. 13, 1923, c. 72, 42 Stat 1240)

From the Executive office, and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1924, cited above

For abolition of office of Superintendent of State, War, and Navy Department buildings, see ante, §§ 3329f-3329k.

§ 8576. (1) Authority, powers, and proceedings of Commission; witnesses—The Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created; and the Commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the Commission, it shall be the duty of any district attorney of the United States to whom the Commission

may apply to institute in the proper court and to prosecute under the direction of the Attorney-General of the United States all necessary proceedings for the enforcement of the provisions of this act and for the punishment of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States; and for the purposes of this act the Commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation

This paragraph, and the six paragraphs next following are § 12 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 415 (Title IV of the Transportation Act, 1920). These last amendments consist merely in the numbering of the paragraphs of said section as set forth here

(2) Attendance of witnesses and production of documents—Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing And in case of disobedience to a subpœna the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

See note to § 8576(1), ante

(3) Compelling attendance of witnesses, etc.—And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

See note to § 8576(1), ante

(4) Depositions—The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation depending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation Such depositions may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

See note to § 8576(1), ante.

(5) Same—Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction. and shall, after it has been reduced to writing, be subscribed by the deponent.

See note to § 8576(1), ante

(6) Same; foreign country—If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission All depositions must be promptly filed with the Commission.

See note to § 8576(1), ante

(7) Same; fees—Witnesses whose depositions are taken pursuant to this act. and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States (Feb. 4, 1887, c. 104, § 12, 24 Stat. 383, amended March 2, 1889 c. 382, § 3, 25 Stat 858, Feb. 10, 1891, c 128, 26 Stat 743, and Feb 28, 1920, c. 91, § 415, 41 Stat. 484)

See note to § 8576(1), ante

§ 8581. (1) Complaint to Commission of violation of law by carrier; statement to carrier; reparation; investigation—Any person, firm, corporation, company, or association, or any mercantile, agricultural, or manufacturing society or other organization, or any body politic or municipal organization, or any common carrier, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this Act, in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the complaint thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing, within a reasonable time, to be specified by the commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been done, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

This paragraph, and the three paragraphs next following, are § 13 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 416 (Title IV of the Transportation Act, 1920) These last amendments consist in the numbering of the paragraphs (1) and (2) as set forth here, and in the addition of paragraphs (3) and (4).

(2) Complaint to Commission by State Railroad Commission; inquiry on Commission's own motion—Said commission shall, in like manner and with the same authority and powers, investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory at the request of such commissioner or commission, and the Interstate Commerce Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made, to or before said commission by

any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act And the said commission shall have the same powers and authority to proceed with any inquiry instituted on its motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had excepting orders for the payment of money. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

See note to § 8581(1), ante.

(3) Notice to States of investigations involving rates, etc.—Whenever in any investigation under the provisions of this Act, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, or initiated by the President during the period of Federal control, the Commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The Commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this Act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the Commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the Commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the Commission The Commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this Act.

See note to § 8581(1), ante.

(4) Commission to prescribe rates, etc., when; effect of state laws—Whenever in any such investigation the Commission, after full hearing, finds that any such rate, fare, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, which is hereby forbidden and declared to be unlawful it shall prescribe the rate, fare, or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, or discrimination. Such rates, fares, charges, classifications, regulations, and practices shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding (Feb. 4, 1887, c. 104, § 13, 24 Stat. 383, amended, June 18, 1910, c. 309, § 11, 36 Stat. 550, and Feb. 28, 1920, c. 91, § 416, 41 Stat. 484.)

See note to § 8581(1), ante.

§ 8582. (1) Reports of investigations by Commission—Whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made

This paragraph, and the two paragraphs next following, are § 14 of the Interstate Commerce Act of 1887 (as amended) as amended by Act Feb 28, 1920, c 91, § 417 (Title IV of the Transportation Act, 1920) These last amendments consist merely in the numbering of the paragraphs as set forth here

(2) Record of reports; copies—All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

See note to § 8582(1), ante

(3) Publication of reports and decisions; printing and distribution of annual reports—The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof The Commission may also cause to be printed for early distribution its annual reports. (Feb 4, 1887, c. 104, § 14, 24 Stat. 384, amended, March 2, 1889, c 382, § 4, 25 Stat. 859, June 29, 1906, c 3591, § 3, 34 Stat. 589, and Feb. 28, 1920, c. 91, § 417, 41 Stat. 484.)

See note to § 8582(1), ante.

§ 8583. (1) Commission empowered to determine and prescribe rates or classifications—Whenever, after full hearing, upon a complaint made as provided in section 13 of this Act, or after full hearing under an order for investigation and hearing made by the Commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the Commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this Act for the transportation of persons or property or for the transmission of messages as defined in the first section of this Act, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this Act, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this Act, the Commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and what individual or joint classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any rate, fare, or charge for such transportation or transmission other than the rate, fare, or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

This paragraph, and the six paragraphs next following, are amendments of the first four paragraphs of § 15 of the Interstate Commerce Act of 1887 (as amended) by Act

Feb 28, 1920, c 91, § 418 (Title IV of the Transportation Act, 1920) For these paragraphs prior to these last amendments see U S. Comp St 1918, § 8583 (1-4).

(2) Orders of Commission—Except as otherwise provided in this Act, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction

See note to § 8583(1), ante

(3) Establishment of through routes, joint classifications, joint rates, fares, or charges—The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged (or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto), and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated, and this provision, except as herein otherwise provided, shall apply when one of the carriers is a water line The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character, nor shall the Commission have the right to establish any route, classification, or practice, or any rate, fare, or charge when the transportation is wholly by water, and any transportation by water affected by this Act shall be subject to the laws and regulations applicable to transportation by water.

See note to § 8583(1), ante.

(4) Through routes established to embrace entire length of railroad; temporary through routes—In establishing any such through route the Commission shall not (except as provided in section 3, and except where one of the carriers is a water line), require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established: Provided, That in time of shortage of equipment, congestion of traffic, or other emergency declared by the Commission it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the Commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest.

See note to § 8583(1), ante.

(5) Transportation of livestock in carload lots to include unloading, reloading, delivery, etc.—Transportation wholly by railroad of ordinary livestock in carload lots destined to or received at public stockyards shall include all necessary service of unloading and reloading en route, delivery at public stockyards of inbound shipments into suitable pens, and receipt and loading at such yards of outbound shipments, without extra charge therefor to the shipper, consignee or owner, except in cases where the unloading or reloading en route is at the request of the shipper, consignee or owner, or to try an intermediate market, or to comply with quarantine regulations. The Commission may prescribe or approve just and reasonable rules governing each of such excepted services. Nothing in this paragraph shall be construed to affect the duties and liabilities of the carriers now existing by virtue of law respecting the transportation of other than ordinary livestock, or the duty of performing service as to shipments other than those to or from public stockyards

See note to § 8583(1), ante

(6) Commission empowered to establish just divisions of joint rates, fares, or charges—Whenever, after full hearing upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the Commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their railway property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers; and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare or charge.

See note to § 8583(1), ante.

(7) Commission authorized to determine lawfulness of new rates, fares, charges, or classifications; suspension of operation of such new rates, etc.; burden of proof—Whenever there shall be filed with the Commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the Commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the Commission, upon filing with such schedule and delivering to the carrier or carriers af-

fected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than one hundred and twenty days beyond the time when it would otherwise go into effect; and after full hearing whether completed before or after the rate, fare, charge classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing cannot be concluded within the period of suspension, as above stated, the Commission may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period, but, in case of a proposed increased rate or charge for or in respect to the transportation of property, the Commission may by order require the interested carrier or carriers to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased after the passage of this Act, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge, is just and reasonable shall be upon the carrier, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

See note to § 8583(1), ante

(8) Designation by shipper of one of two or more through routes for transportation; issue of through bill of lading, and transportation over such route; determination between competing railroads, portions of through line or through route—In all cases where at the time of delivery of property to any railroad corporation being a common carrier for transportation subject to the provisions of this Act to any point of destination, between which and the point of such delivery for shipment two or more through routes and through rates shall have been established as in this Act provided to which through routes and through rates such carrier is a party, the person, firm, or corporation making such shipment, subject to such reasonable exceptions and regulations as the Interstate Commerce Commission shall from time to time prescribe, shall have the right to designate in writing by which of such through routes such property shall be transported to destination, and it shall thereupon be the duty of the initial carrier to route said property and issue a through bill of lading therefor as so directed, and to transport said property over its own line or lines and deliver the same to a connecting line or lines according to such through route, and it shall be the duty of each of said connecting carriers to receive said property and transport it over the said line or lines and deliver the same to the next succeeding carrier or consignee according to the routing instructions in said bill of lading: Provided, however, That the shipper shall in all instances have the right to determine, where competing lines of railroad constitute portions of a through line or route, over which of said competing lines so constituting a portion of said through line or route his freight shall be transported.

This paragraph is paragraph 5 of § 15 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c. 91, § 419 (Title IV of the Transportation Act, 1920). This amendment consists merely in the numbering of the paragraph (8), as set forth here.

(9) Liability of carriers where property is diverted or delivered by one carrier to another contrary to routing instructions in bill of lading—Whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, unless such diversion or delivery is in compliance with a lawful order, rule, or regulation of the Commission, such carriers shall, in a suit or action in any court of competent jurisdiction, be jointly and severally liable to the carrier thus deprived of its right to participate in the haul of the property, for the total amount of the rate or charge it would have received had it participated in the haul of the property. The carrier to which the property is thus diverted shall not be liable in such suit or action if it can show, the burden of proof being upon it, that before carrying the property it had no notice, by bill of lading, waybill or otherwise, of the routing instructions. In any judgment which may be rendered the plaintiff shall be allowed to recover against the defendant a reasonable attorney's fee to be taxed in the case

This paragraph, and the paragraph next following, are new paragraphs added to § 15 of the Interstate Commerce Act of 1887 (as amended) by Act Feb 28, 1920, c 91, § 420 (Title IV of the Transportation Act, 1920)

(10) Direction of routing by Commission—With respect to traffic not routed by the shipper, the Commission may, whenever the public interest and a fair distribution of the traffic require, direct the route which such traffic shall take after it arrives at the terminus of one carrier or at a junction point with another carrier, and is to be there delivered to another carrier

See note to § 8583(9), ante.

(11) Disclosure of information concerning shipments, and soliciting such information—It shall be unlawful for any common carrier subject to the provisions of this Act, or any officer, agent, or employee of such common carrier, or for any other person or corporation lawfully authorized by such common carrier to receive information therefrom, knowingly to disclose to or permit to be acquired by any person or corporation other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person or corporation to solicit or knowingly receive any such information which may be so used: Provided, That nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any state or federal court, or to any officer or agent of the Government of the United States, or of any State or Territory, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime; or information given by a common carrier to another carrier or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers

This paragraph, and the three paragraphs next following, are paragraphs (6), (7), and (8) of § 15 of the Inter-

state Commerce Act of 1887 (as amended), as amended by Act Feb 28 1920, c 91, § 421 (Title IV of the Transportation Act, 1920) These amendments consist merely in the numbering of the paragraphs as set forth here

(12) Violation of provisions of preceding paragraph—Any person, corporation, or association violating any of the provisions of the next preceding paragraph of this section shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not more than one thousand dollars.

See note to § 8583(11), ante

(13) Allowance of service rendered or instrumentality furnished by owner of property transported; determination of reasonable charge as maximum—If the owner of property transported under this Act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for under this section.

See note to § 8583(11), ante

(14) Other powers of Commission not excluded by foregoing enumerations—The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this Act (Feb 4, 1887, c 104, § 15, 24 Stat 384, amended, June 29, 1906, c 3591, § 4, 34 Stat 589, June 18, 1910, c 309, § 12, 36 Stat 551, Aug 9, 1917, c. 50, § 4, 40 Stat. 272, and Feb 28, 1920, c. 91, §§ 418–421, 41 Stat. 484–488)

See note to § 8583(11), ante

§ 8583a. (1) Definitions—When used in this section the term "rates" means rates, fares, and charges, and all classifications, regulations, and practices, relating thereto; the term "carrier" means a carrier by railroad or partly by railroad and partly by water, within the continental United States, subject to this Act, excluding (a) sleeping-car companies and express companies, (b) street or suburban electric railways unless operated as a part of a general steam railroad system of transportation, (c) interurban electric railways unless operated as a part of a general steam railroad system of transportation or engaged in the general transportation of freight, and (d) any belt-line railroad, terminal switching railroad, or other terminal facility, owned exclusively and maintained, operated, and controlled by any State or political subdivision thereof; and the term "net railway operating income" means railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents.

This paragraph, and the 17 paragraphs next following, constitute § 15a of the Interstate Commerce Act of 1887, as added by Act Feb 28, 1920, c. 91, § 422.

(2) Commission to initiate, modify, establish, or adjust rates so that carriers may earn fair return on value of properties—In the exercise of its power to prescribe just and reasonable rates the Commission shall initiate, modify, establish or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the Commission may from time to time designate) will, under honest, efficient and economical management and reasonable expenditures for maintenance of way, structures and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: Provided, That the Commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different portions of the country.

See note to § 8583a(1), ante.

(3) What constitutes fair return; determination by Commission; basis of determination for two years—The Commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the Commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity (under honest, efficient and economical management of existing transportation facilities) of enlarging such facilities in order to provide the people of the United States with adequate transportation: Provided, That during the two years beginning March 1, 1920, the Commission shall take as such fair return a sum equal to 5½ per centum of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of one per centum of such aggregate value to make provision in whole or in part for improvements, betterments or equipment, which, according to the accounting system prescribed by the Commission are chargeable to capital account.

See note to § 8583a(1), ante

(4) What constitutes aggregate value of properties—For the purposes of this section, such aggregate value of the property of the carriers shall be determined by the Commission from time to time and as often as may be necessary The Commission may utilize the results of its investigation under section 19a of this Act, in so far as deemed by it available, and shall give due consideration to all the elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under such law it is entitled to in establishing values for rate-making purposes. Whenever pursuant to section 19a of this Act the value of the railway property of any carrier held for and used in the service of transportation has been finally ascertained, the value so ascertained shall be deemed by the Commission to be the value thereof for the purpose of determining such aggregate value

See note to § 8583a(1), ante

(5) Amounts received by carriers in excess of fair return payable to United States—Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return, shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States.

See note to § 8583a(1), ante

(6) Amounts received by carriers in excess of 6 per cent. of value of properties; disposition of; reserve fund; general railroad contingent fund—If, under the provisions of this section, any

carrier receives for any year a net railway operating income in excess of 6 per centum of the value of the railway property held for and used by it in the service of transportation, one-half of such excess shall be placed in a reserve fund established and maintained by such carrier, and the remaining one-half thereof shall, within the first four months following the close of the period for which such computation is made, be recoverable by and paid to the Commission for the purpose of establishing and maintaining a general railroad contingent fund as hereinafter described. For the purposes of this paragraph the value of the railway property and the net railway operating income of a group of carriers, which the Commission finds are under common control and management and are operated as a single system, shall be computed for the system as a whole irrespective of the separate ownership and accounting returns of the various parts of such system. In the case of any carrier which has accepted the provisions of section 209 of this amendatory Act the provisions of this paragraph shall not be applicable to the income for any period prior to September 1, 1920. The value of such railway property shall be determined by the Commission in the manner provided in paragraph (4).

See note to § 8583a(1), ante

(7) Payment of dividends or interest from reserve fund—For the purpose of paying dividends or interest on the stocks, bonds, or other securities or rent for leased roads, a carrier may draw from the reserve fund established and maintained by it under the provisions of this section to the extent that its net railway operating income for any year is less than a sum equal to 6 per centum of the value of the railway property held for and used by it in the service of transportation, determined as provided in paragraph (6); but such fund shall not be drawn upon for any other purpose.

See note to § 8583a(1), ante.

(8) Maximum amount of reserve fund—Such reserve fund need not be accumulated and maintained by any carrier beyond a sum equal to 5 per centum of the value of its railway property determined as herein provided, and when such fund is so accumulated and maintained the portion of its excess income which the carrier is permitted to retain under paragraph (6) may be used by it for any lawful purpose.

See note to § 8583a(1), ante.

(9) Rules and regulations for recovery of excess income; computation of excess income—The Commission shall prescribe rules and regulations for the determination and recovery of the excess income payable to it under this section, and may require such security and prescribe such reasonable terms and conditions in connection therewith as it may find necessary. The Commission shall make proper adjustments to provide for the computation of excess income for a portion of a year, and for a year in which a change in the percentage constituting a fair return or in the value of a carrier's railway property becomes effective.

See note to § 8583a(1), ante.

(10) General railroad contingent fund; custody, administration, and use of—The general railroad contingent fund so to be recoverable by and paid to the Commission and all accretions thereof shall be a revolving fund and shall be administered by the Commission. It shall be used by the Commission in furtherance of the public interest in railway transportation either by making loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account, or by purchasing transportation equipment and facilities and leasing the same to carriers, as hereinafter provided. Any moneys in the fund not so employed shall be invested in obligations of the United States or deposited in authorized depositaries of the United States subject to the rules promulgated from time to time by the Secretary of the Treasury relating to Government deposits

See note to § 8583a(1), ante

(11) Same; loans to carriers from; applications for—A carrier may at any time make application to the Commission for a loan from the general railroad contingent fund, setting forth the amount of the loan and the term for which it is desired, the purpose of the loan and the uses to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the Commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract, obligations, operations, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for and the ability of the applicant to make good the obligation, as the Commission may deem pertinent to the inquiry.

See note to § 8583a(1), ante.

(12) Same; loans to carriers from; terms and conditions of—If the Commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan from the general railroad contingent fund is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, the Commission may make a loan to the applicant from such railroad contingent fund, in such amount, for such length of time, and under such terms, and conditions as it may deem proper. The Commission shall also prescribe the security to be furnished which shall be adequate to secure the loan. All such loans shall bear interest at the rate of 6 per centum per annum, payable semiannually to the Commission. Such loans when repaid, and all interest paid thereon, shall be placed in the general railroad contingent fund.

See note to § 8583a(1), ante

(13) Lease to carriers of transportation equipment or facilities purchased from general railroad contingent fund, applications for—A carrier may at any time make application to the Commission for the lease to it of transportation equipment or facilities purchased from the general railroad contingent fund, setting forth the kind and amount of such equipment or facilities and the term for which it is desired to be leased, the uses to which it is proposed to put such equipment or facilities, the present and prospective ability of the applicant to pay the rental charges thereon and to meet the requirements of its obligations under the lease, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts and details as the Commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of leasing such

equipment or facilities to the applicant as the Commission may deem pertinent to the inquiry.

See note to § 8583a(1), ante.

(14) Same; terms and conditions of—If the Commission, after such hearing and investigation, with or without notice, as it may direct, finds that the leasing to the applicant of such equipment or facilities, in whole or in part, is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant is such as to furnish reasonable assurance of the applicant's ability to pay promptly the rental charges and meet its other obligations under such lease, the Commission may lease such equipment or facilities purchased by it from the general railroad contingent fund, to the applicant for such length of time, and under such terms and conditions as it may deem proper The rental charges provided in every such lease shall be at least sufficient to pay a return of 6 per centum per annum, plus allowance for depreciation determined as provided in paragraph (5) of section 20 of this Act, upon the value of the equipment or facilities leased thereunder. All rental charges and other payments received by the Commission in connection with such equipment and facilities, including amounts received under any sale thereof, shall be placed in the general railroad contingent fund.

See note to § 8583a(1), ante.

(15) Purchase, etc., of equipment, etc., by Commission—The Commission may from time to time purchase, contract for the construction, repair and replacement of, and sell, equipment and facilities, and enter into and carry out contracts and other obligations in connection therewith, to the extent that moneys included in the general railroad contingent fund are available therefor, and in so far as necessary to enable it to secure and supply equipment and facilities to carriers whose applications therefor are approved under the provisions of this section, and to maintain and dispose of such equipment and facilities.

See note to § 8583a(1), ante.

(16) Rules and regulations—The Commission may from time to time prescribe such rules and regulations as it deems necessary to carry out the provisions of this section respecting the making of loans and the lease of equipment and facilities.

See note to § 8583a(1), ante.

(17) Reparation to shippers in case of overcharges, etc.—The provisions of this section shall not be construed as depriving shippers of their right to reparation in case of overcharges, unlawfully excessive or discriminatory rates, or rates excessive in their relation to other rates, but no shipper shall be entitled to recover upon the sole ground that any particular rate may reflect a proportion of excess income to be paid by the carrier to the Commission in the public interest under the provisions of this section.

See note to § 8583a(1), ante.

(18) Retention of all of earnings from new lines constructed—Any carrier, or any corporation organized to construct and operate a railroad, proposing to undertake the construction and operation of a new line of railroad may apply to the Commission for permission to retain for a period not to exceed ten years all or any part of its earnings derived from such new construction in excess of the amount heretofore in this section provided, for such disposition as it may lawfully make of the same, and the Commission may, in its discretion, grant such permission, conditioned, however, upon the completion of the work of construction within a period to be designated by the Commission in its order granting such permission. (Feb 4, 1887, c. 104, § 15a, added, Feb. 28, 1920, c 91, § 422, 41 Stat 488)

See note to § 8583a(1), ante

§ 8583aa. Policy in making rate adjustments—It is hereby declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates, that the conditions which at any given time prevail in our several industries should be considered in so far as it is legally possible to do so, to the end that commodities may freely move

The Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens, or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist In making any such change, adjustment, or redistribution the commission shall give due regard, among other factors, to the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years to a natural and proper development of the country as a whole, and to the maintenance of an adequate system of transportation. In the progress of such investigation the commission shall, from time to time, and as expeditiously as possible, make such decisions and orders as it may find to be necessary or appropriate upon the record then made in order to place the rates upon designated classes of traffic upon a just and reasonable basis with relation to other rates. Such investigation shall be conducted with due regard to other investigations or proceedings affecting rate adjustments which may be pending before the commission.

In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: Provided, That no investigation or proceeding resulting from the adoption of this resolution shall be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this resolution. (Jan. 30, 1925, c. 120, 43 Stat. 801.)

This section is a Joint Resolution entitled a "Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the Interstate Commerce Act, and the fixing of rates and charges," cited above.

§ 8584. (1) Orders by Commission for payment of damages—If, after hearing on a complaint made as provided in section thirteen of this Act, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act for a violation thereof, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

This paragraph is the first paragraph of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c 91, § 423 (Title IV of the Transportation Act, 1920). This amendment consists merely in the numbering of the paragraph as set forth here.

(2) Same; proceedings in courts to enforce; sts; attorney's fee—If a carrier does not comply th an order for the payment of money within the ne limit in such order, the complainant, or any per- 1 for whose benefit such order was made, may file the [circuit court] of the United States for the strict in which he resides or in which is located the incipal operating office of the carrier, or through uch the road of the carrier runs, or in any state irt of general jurisdiction having jurisdiction of e parties, a petition setting forth briefly the causes which he claims damages, and the order of the mmission in the premises Such suit in the [cir- it court] of the United States shall proceed in all spects like other civil suits for damages, except that the trial of such suit the findings and order of the mmission shall be prima facie evidence of the facts erein stated, and except that the petitioner shall t be liable for costs in the circuit court nor for sts at any subsequent stage of the proceedings un- s they accrue upon his appeal If the petitioner all finally prevail he shall be allowed a reasonable torney s fee to be taxed and collected as a part of e costs of the suit

This paragraph is the second paragraph of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 424 (Title IV of the Transportation Act, 1920). This amendment consists in the numbering of the paragraph as set forth here, in striking out the last sentence of the paragraph, and in inserting a new paragraph numbered (3), as set forth below (as amended). For this paragraph prior to this amendment see U. S. Comp St. 1918, § 8584(2).

(3) Same; limitations—(a) All actions at law carriers subject to this Act for recovery of their arges, or any part thereof, shall be begun within ree years from the time the cause of action accrues. d not after.

(b) All complaints against carriers subject to this .t for the recovery of damages not based on over- arges shall be filed with the commission within two ars from the time the cause of action accrues, and t after, subject to subdivision (d).

(c) For recovery of overcharges action at law shall begun or complaint filed with the commission ainst carriers subject to this Act within three years om the time the cause of action accrues, and not ter, subject to subdivision (d), except that if claim r the overcharge has been presented in writing to e carrier within the three-year period of limitation id period shall be extended to include six months om the time notice in writing is given by the carrier the claimant of disallowance of the claim, or any rt or parts thereof, specified in the notice

(d) If on or before expiration of the two-year period limitation in subdivision (b) or of the three-year riod of limitation in subdivision (c) a carrier sub- ct to this Act begins action under subdivision (a) r recovery of charges in respect of the same trans- rtation service, or, without beginning action, col- cts charges in respect of that service, said period of nitation shall be extended to include ninety days om the time such action is begun or such charges e collected by the carrier.

(e) The cause of action in respect of a shipment of operty shall, for the purposes of this section, be emed to accrue upon delivery or tender of delivery, ereof by the carrier, and not after.

(f) A petition for the enforcement of an order of e commission for the payment of money shall be ed in the district court or the State court within e year from the date of the order, and not after.

(g) The term "overcharges" as used in this section all be deemed to mean charges for transportation vices in excess of those applicable thereto under e tariffs lawfully on file with the commission.

(h) The provisions of this paragraph (3) shall ex- id to and embrace cases in which the cause of action has heretofore accrued as well as cases in which the cause of action may hereafter accrue, except that actions at law begun or complaints filed with the commission against carriers subject to this Act for the recovery of overcharges where the cause of action accrued on or after March 1, 1920, shall not be deemed to be barred under subdivision (c) if such actions shall have been begun or complaints filed prior to enactment of this paragraph or within six months thereafter

This paragraph was again amended by Act June 7, 1924, c. 325, cited above, to read as set forth above.

Prior to this amendment this paragraph reads as follows

"All actions at law by carriers subject to this Act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after. All complaints for the recovery of damages shall be filed with the Commission within two years from the time the cause of action accrues and not after unless the carrier after the expiration of such two years or within ninety days before such expiration begins an action for recovery of charges in respect of the same service in which case such period of two years shall be extended to and including ninety days from the time such action by the carrier is begun In either case the cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after A petition for the enforcement of an order for the payment of money shall be filed in the district court or State court within one year from the date of the order and not after"

See note to § 8584(1), ante

(4) Same; parties; process; judgment—In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

This paragraph, and the 3 paragraphs next following, are paragraphs 3, 4, 5, and 6 of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c 91, § 425 (Title IV of the Transportation Act, 1920) These last amendments consist merely in the numbering of the paragraphs as set forth here.

(5) Same; service of orders of Commission—Every order of the commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

See note to § 8584(4), ante.

(6) Same; suspension or modification of orders—The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

See note to § 8584(4), ante.

(7) Same; compliance with orders—It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

See note to § 8584(4), ante.

(8) Failure to obey orders made under sections 3, 13, or 15—Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of sections 3, 13, or 15 of this Act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense,

and in case of a continuing violation each day shall be deemed a separate offense.

This paragraph is the seventh paragraph of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 426 (Title IV of the Transportation Act, 1920) For this paragraph prior to this last amendment see U S Comp St 1918, § 8584(7)

(9) Suit for recovery of forfeiture—The forfeiture provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs

This paragraph, and the paragraph next following, are paragraphs 8 and 9 of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 427 (Title IV of the Transportation Act, 1920). These last amendments consist merely in the numbering of the paragraphs as set forth here

(10) District attorneys to prosecute for forfeitures; costs and expenses—It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States

See note to § 8584(9), ante

(11) Employment of attorneys by Commission—The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court, and the expenses of such employment shall be paid out of the appropriation for the Commission.

This paragraph is paragraph 10 of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c 91, § 428 (Title IV of the Transportation Act, 1920) For this paragraph prior to this last amendment see U. S Comp. St. 1918, § 8584(10)

(12) Proceedings in Commerce Court to enforce orders other than for payment of money; injunction or other process—If any carrier fails or neglects to obey any order of the commission other than for the payment of money, while the same is in effect, the Interstate Commerce Commission or any party injured thereby, or the United States, by its Attorney-General, may apply to the [commerce court] for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

This paragraph, and the paragraph next following, are paragraphs 11 and 12 of § 16 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 429 (Title IV of the Transportation Act of 1920) These last amendments consist merely in the numbering of the paragraphs as set forth here.

(13) Schedules, tariffs, and contracts filed with Commission, and reports to Commission, kept as public records; evidence—The copies of schedules and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements between common carriers filed with the commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the commission as required under the provisions of this Act shall be preserved as public records in the custody of the secretary of the commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements or reports, made public records as aforesaid, certified by the secretary, under the commission's seal shall be received in evidence with like effect as the originals. (Feb 4, 1887, c. 104, § 16, 24 Stat 384, amended, March 2, 1889, c. 382, § 5, 25 Stat 859, June 29, 1906 c 3591, § 5, 34 Stat 590, June 18, 1910, c. 309, § 13, 36 Stat 554, Feb 28, 1920, c. 91, §§ 423–429, 41 Stat. 491, 492, and June 7, 1924, c. 325, 43 Stat 633.)

See note to § 8584(12), ante

§ 8586. (1) Conduct of proceedings of Commission; seal; oaths and affirmations; subpœnas; quorum; participation in hearings having interest therein; rules of procedure; right of parties to be heard; records—The commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The commission shall have an official seal, which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpœnas A majority of the commission shall constitute a quorum for the transaction of business, except as may be otherwise herein provided, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division of the commission, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

This is the first paragraph of § 17 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 430 (Title IV of the Transportation Act, 1920) This last amendment consists merely in the numbering of the paragraph as set forth here

(2) Divisions of Commission; assignment of Commissioners to divisions—The Commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time Such divisions shall be denominated, respectively, division one, division two, and so forth Any Commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and the senior in service of the Commissioners constituting any of said divisions shall act as chairman thereof. In case of vacancy in any division, or of absence or inability to serve thereon of any Commissioner thereto assigned, the chairman of the Commission or any Commissioner designated by him for that purpose, may temporarily serve on said division until the Commission shall otherwise order.

This paragraph is the second paragraph of § 17 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c. 91, § 431 (Title IV of the Transportation Act, 1920).

(3) Reference of matters to divisions—The commission may by order direct that any of its work, business, or functions arising under this Act, or under any Act amendatory thereof, or supplemental thereto, or under any amendment which may be made to any of said Acts, or under any other Act or joint resolution which has been or may hereafter be ap-

proved, or in respect of any matter which has been or may be referred to the commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction All such orders shall take effect forthwith and remain in effect until otherwise ordered by the commission.

This paragraph, and the paragraph next following are the third and fourth paragraphs of § 17 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 432 (Title IV of the Transportation Act, 1920) These last amendments consist merely in the numbering of the paragraphs as set forth here

Said Act Feb 28 1920 c 91, § 432, also repeals the fifth and sixth paragraphs of said § 17 of the Interstate Commerce Act

(4) Powers of divisions; orders, decisions, or reports of divisions; rehearings by whole Commission—In conformity with and subject to the order or orders of the commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the commission, and be subject to the same duties and obligations. Any order, decision or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the commission, subject to rehearing by the commission, as provided in section sixteen-a hereof for rehearing cases decided by the commission The secretary and seal of the commission shall be the secretary and seal of each division thereof.

See note to § 8586(3), ante

(5) No powers of Commission divested—Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the commission of any of its powers. (Feb 4, 1887, c. 104, § 17, 24 Stat. 385, amended. March 2, 1889, c 382, § 6, 25 Stat 861, Aug. 9, 1917, c. 50, § 2, 40 Stat. 270, and Feb. 28, 1920, c. 91, §§ 430–432, 41 Stat. 492, 493)

This paragraph is the seventh paragraph of § 17 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c. 91, § 432 (Title IV of the Transportation Act 1920) This last amendment consists merely in the numbering of the paragraph as set forth here.

§ 8587. (1) Commissioner's salaries; secretary and employés; compensation; witness fees—Each Commissioner shall receive an annual salary of seven thousand five hundred dollars, payable in the same manner as the judges of the courts of the United States The Commission shall appoint a secretary, who shall receive an annual salary of three thousand five hundred dollars, payable in like manner. The Commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties. Until otherwise provided by law, the Commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

This paragraph, and the paragraph next following, are § 18 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c. 91, § 433 (Title IV of the Transportation Act, 1920). These last amendments consist merely in the numbering of the paragraphs as set forth here

(2) Expenses of Commission—All of the expenses of the Commission, including all necessary expenses for transportation incurred by the Commissioners, or by their employés under their orders, in making any investigation, or upon official business in any other places than in the City of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission. (Feb 4, 1887, c. 104, § 18, 24 Stat. 386 amended. March 2, 1889 c 382, § 7, 25 Stat 861, and Feb 28 1920, c 91, § 433, 41 Stat 493)

See note to § 8587(1), ante

The Interstate Commerce Commission was authorized to employ expert stenographic reporters by a provision of Act June 12 1922, c 218, 42 Stat 641, which was repealed by a provision in Act Feb 13, 1923, c 72, 42 Stat. 1233 The Commission was authorized to sell copies of transcripts of its proceedings by a further provision of Act June 12, 1922, c 218, 42 Stat 641, which was also repealed by a provision of Act Feb. 13, 1923, c. 72, 42 Stat. 1233

§ 8591. (a) Physical valuation of property of carriers; investigation by Commission; experts; examiners; classification and inventory—The commission shall, as hereinafter provided, investigate ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this Act. To enable the commission to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this Act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.

This paragraph, and the 11 paragraphs next following, are § 19a of the Interstate Commerce Act of 1887 (as added), as amended by Act Feb 28, 1920, c. 91, § 433 (Title IV of the Transportation Act, 1920) These amendments consist merely in the lettering of the paragraphs as set forth here

(b) Cost of property used for carrier purposes; value of other property; cost and value of real property; property held for other than carrier purposes; history of corporate organization; increase or decrease of stocks; earnings and expenditures; amount and value of grants to carriers; value of concessions made by carrier—First. In such investigation said commission shall ascertain and report in detail as to each piece of property, other than land, owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purpose of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may

deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities, in any reorganization, upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof, and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation, made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States, or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time, also, the amount and value of any concession and allowance made by such common carrier to the Government of the United States, or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation

Paragraph (b), was again amended by Act June 7, 1922, c 210, 42 Stat 624, by inserting in paragraph "First," after the words "in such investigation said commission shall ascertain and report in detail as to each piece of property," a comma and the words "other than land," and by striking out, in paragraph "Second," the comma, after the words "and the present value of the same," and inserting a period in the place thereof, and by striking out the words "and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value."

(c) Investigation; procedure—Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

See note to § 8591(a), ante.

(d) Same; time for beginning; reports to Congress—Such investigation shall be commenced within sixty days after the approval of this Act and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed

See note to § 8591(a), ante.

(e) Same; documents, to aid; access of agents to property; rules and regulations; inspection of records—Every common carrier subject to the provisions of this Act shall furnish to the commission or its agents from time to time and as the commission may require maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section twenty of this Act shall have the full force and effect of law. Unless otherwise ordered by the commission with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public

See note to § 8591(a), ante

(f) Valuation of extensions and improvements; reports to Congress—Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time, revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session

See note to § 8591(a), ante

(g) Reports and information by carriers—To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this Act shall make such reports and furnish such information as the commission may require.

See note to § 8591(a), ante.

(h) Notice of completion of tentative valuation; protests; finality of valuation—Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuation shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow thirty days in which to file a protest of the same with the commission. If no protest is filed within thirty days, said valuation shall become final as of the date thereof

See note to § 8591(a), ante.

(i) Protests; hearings; changes in valuations; effect of final valuation and classification—If notice of protest is filed the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this Act the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the Act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the Act approved February fourth, eighteen hundred and eighty-seven, com-

monly known as "the Act to regulate commerce" and the various Acts amendatory thereof and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part any order of the Interstate Commerce Commission.

See note to § 8591 (a), ante.

(j) Effect of evidence as to values; modification of orders; judgment on original orders—If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto and substantially affecting said value, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

See note to § 8591(a), ante.

(k) Receivers and trustees of carriers; compliance with law—The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with all the requirements of this section and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of five hundred dollars for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section sixteen of the Act to regulate commerce.

See note to § 8591(a), ante.

(l) Mandamus to compel compliance with law—That the district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this section by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this section. (Feb. 4, 1887, c 104, § 19a, added, March 1, 1913, c 92, 37 Stat 701, and amended, Feb 28, 1920, c. 91, § 433, 41 Stat. 493, and June 7, 1922, c 210, §§ 1, 2, 42 Stat. 624.)

See note to § 8591(a), ante.

For current appropriation for valuation of property of carriers see Act March 3, 1925, c 468, § 1, 43 Stat 1205. Section 2 of said act reads as follows:

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 8592. (1) Annual reports from carriers and owners of railroads, and answers to questions of Commission; contents of reports; uniform system of accounts—The Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this Act, and from the owners of all railroads engaged in interstate commerce as defined in this Act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon, the cost and value of the carrier's property, franchises and equipments, the number of employés and the salaries paid each class; the accidents to passengers, employés, and other persons, and the causes thereof, the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources, the operating and other expenses, the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Act, prescribe a period of time within which all common carriers subject to the provisions of this Act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

This paragraph, and the three paragraphs next following are the first four paragraphs of § 20 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 434 (Title IV of the Transportation Act, 1920). These last amendments consist merely in the numbering of the paragraphs as set forth here.

(2) Period covered by and time for making reports; failure to make reports or answer questions; monthly and special reports—Said detailed reports shall contain all the required statistics for the period of twelve months ending on the thirtieth day of June in each year, or on the thirty-first day of December in each year if the commission by order substitute that period for the year ending June thirtieth, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this Act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such party shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of

earnings and expenses and to file periodical or special, or both periodical and special reports concerning any matters about which the commission is authorized or required by this or any other law to inquire or to keep itself informed or which it is required to enforce, and such periodical or special reports shall be under oath whenever the commission so requires, and if any such carrier shall fail to make and file any such periodical or special report within the time fixed by the commission, it shall be subject to the forfeitures last above provided

See note to § 8592(1), ante

(3) Recovery of forfeitures—Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this Act

See note to § 8592(1), ante

(4) Administration of oath—The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken

See note to § 8592(1), ante

(5) Forms of accounts and records; access thereto by Commission, and examination; classes of property for which depreciation charges may be included under operating expenses—The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys The Commission shall, as soon as practicable, prescribe, for carriers subject to this Act, the classes of property for which depreciation charges may properly be included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. The carriers subject to this Act shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by carriers subject to this Act, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers This provision shall apply to receivers of carriers and operating trustees. The provisions of this section shall also apply to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, kept during the period of Federal control, and placed by the President in the custody of carriers subject to this Act.

This paragraph is the fifth paragraph of § 20 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28 1920, c 91, § 435 (Title IV of the Transportation Act, 1920) For this paragraph prior to this last amendment see U S Comp St 1918, § 8592(5)

(6) Failure to keep accounts and records, or submit same to inspection—In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver or trustee shall forfeit to the United States the sum of five hundred dollars for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this Act.

This paragraph is paragraph 6 of § 20 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c 91, § 436 (Title IV of the Transportation Act, 1920) This last amendment consists merely in the numbering of the paragraph as set forth here

(7) False entries in accounts and records kept by carrier, or destruction, mutilation or alteration thereof, or failure to make entries or keeping other accounts and records than those prescribed—Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment. Provided, That the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved

This paragraph is again amended by Act Feb. 28, 1920, c 91, § 436 (Title IV of the Transportation Act, 1920), by striking out "Par 7," at the beginning of such paragraph and inserting "(7)" in lieu thereof

(8) Examiner divulging facts or information—Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the Commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than five thousand dollars or imprisonment for a term not exceeding two years, or both

This paragraph, and the 2 paragraphs next following, are paragraphs 8, 9, and 10 of § 20 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb 28, 1920, c. 91, § 436 (Title IV of the Transportation Act, 1920) These last amendments consist merely in the numbering of the paragraphs as set forth here

(9) Jurisdiction of courts to compel compliance with law by mandamus—That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said Act to regulate commerce or of any Act supplementary thereto or amend-

atory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said Acts, or any of them

See note to § 8592(5), ante

(10) Special agents or examiners—And to carry out and give effect to the provisions of said Acts, or any of them, the Commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence (Feb 4, 1887, c 104, § 20, 24 Stat. 386, amended, June 29, 1906, c 3591 § 7, 34 Stat. 593, Feb 25, 1909, c 193, 35 Stat 649, June 18, 1910, c 309, § 14, 36 Stat. 555, March 4, 1915, c. 176, § 1, 38 Stat. 1196, Aug 9, 1916, c. 301, 39 Stat 441, and Feb. 28, 1920, c 91, §§ 434–436, 41 Stat. 493, 494)

See note to § 8592(5), ante.
For current appropriation for enforcement of this section, see Act March 3, 1925, c 468, § 1, 43 Stat 1205

§ 8592a. (1) Carrier defined—As used in this section the term "carrier" means a common carrier by railroad (except a street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation) which is subject to this Act, or any corporation organized for the purpose of engaging in transportation by railroad subject to this Act.

This section is added to the Interstate Commerce Act of 1887 (as amended), as § 20a thereof, by Act Feb 28, 1920, c. 91, § 439 (Title IV of the Transportation Act, 1920)

(2) Consent of commission to issue stock or bonds, or assumption of obligation or liability as lessor, etc.; application for—From and after one hundred and twenty days after this section takes effect it shall be unlawful for any carrier to issue any share of capital stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter in this section collectively termed "securities") or to assume any obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the Commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, natural or artificial, the Commission by order authorizes such issue or assumption The Commission shall make such order only if it finds that such issue or assumption: (a) is for some lawful object within its corporate purposes, and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

See note to § 8592a(1), ante.

(3) Same; granting or denying application—The Commission shall have power by its order to grant or deny the application as made, or to grant it in part and deny it in part, or to grant it with such modifications and upon such terms and conditions as the Commission may deem necessary or appropriate in the premises, and may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of the foregoing paragraph (2).

See note to § 8592a(1), ante

(4) Same; form of and oath to application—Every application for authority shall be made in such form and contain such matters as the Commission may prescribe. Every such application, as also every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

See note to § 8592a(1), ante

(5) Same; sale, etc., of such securities—Whenever any securities set forth and described in any application for authority or certificate of notification as pledged or held unencumbered in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within ten days after such sale, pledge, repledge, or other disposition, file with the Commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the Commission.

See note to § 8592a(1), ante.

(6) Same; notice of application to Governors of states; hearings—Upon receipt of any such application for authority the Commission shall cause notice thereof to be given to and a copy filed with the governor of each State in which the applicant carrier operates The railroad commissions, public service or utilities commissions, or other appropriate State authorities of the State shall have the right to make before the Commission such representations as they may deem just and proper for preserving and conserving the rights and interests of their people and the States, respectively, involved in such proceedings. The Commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.

See note to § 8592a(1), ante.

(7) Same; jurisdiction of Commission—The jurisdiction conferred upon the Commission by this section shall be exclusive and plenary, and a carrier may issue securities and assume obligations or liabilities in accordance with the provisions of this section without securing approval other than as specified herein.

See note to § 8592a(1), ante.

(8) Same; no guaranty or obligation assumed by United States—Nothing herein shall be construed to imply any guaranty or obligation as to such securities on the part of the United States.

See note to § 8592a(1), ante.

(9) Same; securities excepted—The foregoing provisions of this section shall not apply to notes to be issued by the carrier maturing not more than two years after the date thereof and aggregating (together with all other then outstanding notes of a maturity of two years or less) not more than 5 per centum of the par value of the securities of the carrier then outstanding. In the case of securities having no par value, the par value for the purposes of this paragraph shall be the fair market value as of the date of issue. Within ten days after the making of such notes the carrier issuing the same shall file with the Commission a certificate of notification, in such form as may from time to time be determined and prescribed by the Commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities: Provided, That in any subsequent funding

of such notes the provisions of this section respecting other securities shall apply.

See note to § 8592a(1), ante.

(10) Same; reports by carriers—The Commission shall require periodical or special reports from each carrier hereafter issuing any securities, including such notes, which shall show, in such detail as the Commission may require, the disposition made of such securities and the application of the proceeds thereof.

See note to § 8592a(1), ante

(11) Securities issued contrary to section void; punishment—Any security issued or any obligation or liability assumed by a carrier, for which under the provisions of this section the authorization of the Commission is required, shall be void, if issued or assumed without such authorization therefor having first been obtained, or if issued or assumed contrary to any term or condition of such order of authorization as modified by any order supplemental thereto entered prior to such issuance or assumption; but no security issued or obligation or liability assumed in accordance with all the terms and conditions of such an order of authorization therefor as modified by any order supplemental thereto entered prior to such issuance or assumption, shall be rendered void because of failure to comply with any provision of this section relating to procedure and other matters preceding the entry of such order of authorization If any security so made void or any security in respect to which the assumption of obligation or liability is so made void, is acquired by any person for value and in good faith and without notice that the issue or assumption is void, such person may in a suit or action in any court of competent jurisdiction hold jointly and severally liable for the full amount of the damage sustained by him in respect thereof, the carrier which issued the security so made void, or assumed the obligation or liability so made void, and its directors, officers, attorneys, and other agents, who participated in any way in the authorizing, issuing, hypothecating, or selling of the security so made void or in the authorizing of the assumption of the obligation or liability so made void. In case any security so made void was directly acquired from the carrier issuing it the holder may at his option rescind the transaction and upon the surrender of the security recover the consideration given therefor. Any director, officer, attorney or agent of the carrier who knowingly assents to or concurs in any issue of securities or assumptions of obligation or liability forbidden by this section, or any sale or other disposition of securities contrary to the provisions of the Commission's order or orders in the premises, or any application not authorized by the Commission of the funds derived by the carrier through such sale or other disposition of such securities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

See note to § 8592a(1), ante.

(12) Holding position of officer or director of more than one carrier; interest in transactions by officer or director; punishment—After December 31, 1921, it shall be unlawful for any person to hold the position of officer or director of more than one carrier, unless such holding shall have been authorized by order of the Commission, upon due showing, in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof or to participate in the making or paying of any dividends of an operating carrier from any funds properly included in capital account Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court. (Feb 4, 1887, c 104, § 20a, added, Feb. 28, 1920, c 91, § 439, 41 Stat. 494)

See note to § 8592a(1), ante

§ 8595. Restrictions on operation of act; interchangeable mileage or scrip coupon tickets—(1) Nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes. Nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: Provided, That no pending litigation shall in any way be affected by this act. Provided further, That nothing in this Act shall prevent the issuance of joint interchangeable five-thousand-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any common carrier, subject to the provisions of this Act, shall issue any such joint interchangeable mileage tickets with special privileges, as aforesaid, it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section six of this Act; and all the provisions of said section six relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section six. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in

the copies of the joint tariff of rates, fares, or charges filed with the Commission in force at the time The provisions of section ten of this Act shall apply to any violation of the requirements of this proviso

(2) The commission is directed to require, after notice and hearing, each carrier by rail, subject to this Act, to issue at such offices as may be prescribed by the commission interchangeable mileage or scrip coupon tickets at just and reasonable rates, good for passenger carriage upon the passenger trains of all carriers by rail subject to this Act The commission may in its discretion exempt from the provisions of this amendatory Act either in whole or in part any carrier where the particular circumstances shown to the commission shall justify such exemption to be made. Such tickets may be required to be issued in such denominations as the commission may prescribe. Before making any order requiring the issuance of any such tickets the commission shall make and publish such reasonable rules and regulations for their issuance and use as in its judgment the public interest demands; and especially it shall prescribe whether such tickets are transferrable or nontransferrable, and if the latter, what identification may be required, and especially, also to what baggage privileges the lawful holders of such tickets are entitled.

(3) Any carrier which, through the act of any agent or employee, willfully refuses to issue or accept any such ticket demanded or presented under the lawful requirements of this Act, or willfully refuses to conform to the rules and regulations lawfully made and published by the commission hereunder, or any person who shall willfully offer for sale or carriage any such ticket contrary to the said rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed $1,000. (Feb 4, 1887, c. 104, § 22, 24 Stat. 387, amended, March 2, 1889, c. 382, § 9, 25 Stat. 862, Feb 8, 1895, c. 61, 28 Stat 643, and Aug. 18, 1922, c. 280, 42 Stat. 827.)

This section was again amended by Act Aug 18, 1922, c. 280, cited above, by adding at the beginning thereof the figure "(1)," and by also adding the paragraphs numbered (2), and (3), as set forth above.

§ 8596. Commission enlarged; terms of office; salaries; salary of Secretary—The Commission is hereby enlarged so as to consist of eleven members, with terms of seven years, and each shall receive $12,000 compensation annually. The qualifications of the members and the manner of payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1923, and one for a term expiring December 31, 1924. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than six commissioners shall be appointed from the same political party. Hereafter the salary of the secretary of the Commission shall be $7,500 a year. (Feb. 4, 1887, c 104, § 24, added, June 29, 1906, c. 3591, § 8, 34 Stat. 595, and amended, Aug. 9, 1917, c. 50, § 1, 40 Stat. 270, and Feb. 28, 1920, c. 91, § 440, 41 Stat. 497.)

This section is again amended by Act Feb 28, 1920, c 91, § 440 (Title IV of the Transportation Act, 1920). For this section prior to this amendment see U. S. Comp. St 1918, § 8596.

For current appropriation for the Commission, see Act March 3, 1925, c 468, § 1, 43 Stat 1204.

Section 2 of said Act reads as follows

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 8596a. (1) Schedules to be filed by carriers by water in foreign commerce owning registered vessels; contents—Every common carrier by water in foreign commerce, whose vessels are registered under the laws of the United States, shall file with the Commission, within thirty days after this section becomes effective and regularly thereafter as changes are made, a schedule or schedules showing for each of its steam vessels intended to load general cargo at ports in the United States for foreign destinations (a) the ports of loading, (b) the dates upon which such vessels will commence to receive freight and dates of sailing, (c) the route and itinerary such vessels will follow and the ports of call for which cargo will be carried.

This section is added to the Interstate Commerce Act of 1887 (as amended), as § 25 thereof, by Act Feb 28, 1920, c 91, § 441 (Title IV of the Transportation Act, 1920)

(2) Schedules of vessel rates; making specific rate—Upon application of any shipper a carrier by railroad shall make request for, and the carrier by water shall upon receipt of such request name, a specific rate applying for such sailing, and upon such commodity as shall be embraced in the inquiry, and shall name in connection with such rate, port charges, if any, which accrue in addition to the vessel's rates and are not otherwise published by the railway as in addition to or absorbed in the railway rate Vessel rates, if conditioned upon quantity of shipment, must be so stated and separate rates may be provided for carload and less than carload shipments. The carrier by water, upon advices from a carrier by railroad, stating that the quoted rate is firmly accepted as applying upon a specifically named quantity of any commodity, shall, subject to such conditions as the Commission by regulation may prescribe, make firm reservation from unsold space in such steam vessel as shall be required for its transportation and shall so advise the carrier by railroad, in which advices shall be included the latest available information as to prospective sailing date of such vessel.

See note to § 8596a(1), ante

(3) Same; changes and modifications; publication—As the matters so required to be stated in such schedule or schedules are changed or modified from time to time, the carrier shall file with the Commission such changes or modifications as early as practicable after such modification is ascertained. The Commission is authorized to make and publish regulations not inconsistent herewith governing the manner and form in which such carriers are to comply with the foregoing provisions. The Commission shall cause to be published in compact form, for the information of shippers of commodities throughout the country, the substance of such schedules, and furnish

such publications to all railway carriers subject to this Act, in such quantities that railway carriers may supply to each of their agents who receive commodities for shipment in such cities and towns as may be specified by the Commission, a copy of said publication, the intent being that each shipping community sufficiently important, from the standpoint of the export trade, to be so specified by the Commission shall have opportunity to know the sailings and routes and to ascertain the transportation charges of such vessels engaged in foreign commerce Each railway carrier to which such publication is furnished by the Commission is hereby required to distribute the same as aforesaid and to maintain such publication as it is issued from time to time, in the hands of its agents The Commission is authorized to make such rules and regulations not inconsistent herewith respecting the distribution and maintenance of such publications in the several communities so specified as will further the intent of this section.

See note to § 8596a(1), ante

(4) Bills of lading—When any consignor delivers a shipment of property to any of the places so specified by the Commission, to be delivered by a railway carrier to one of the vessels upon which space has been reserved at a specified rate previously ascertained, as provided herein, for the transportation by water from and for a port named in the aforesaid schedule, the railway carrier shall issue a through bill of lading to the point of destination. Such bill of lading shall name separately the charge to be paid for the railway transportation, water transportation, and port charges, if any, not included in the rail or water transportation charge; but the carrier by railroad shall not be liable to the consignor, consignee, or other person interested in the shipment after its delivery to the vessel. The Commission shall, in such manner as will preserve for the carrier by water the protection of limited liability provided by law, make such rules and regulations not inconsistent herewith as will prescribe the form of such through bill of lading. In all such cases it shall be the duty of the carrier by railroad to deliver such shipment to the vessel as a part of its undertaking as a common carrier.

See note to § 8596a(1), ante.

(5) Through bills of lading—The issuance of a through bill of lading covering shipments provided for herein shall not be held to constitute "an arrangement for continuous carriage or shipment" within the meaning of this Act. (Feb 4, 1887, c. 104, § 25, added, Feb. 28, 1920, c. 91, § 441, 41 Stat. 497.)

See note to § 8596a(1), ante

§ 8596b. Automatic train-stop or train-control or other safety devices—The Commission may, after investigation, order any carrier by railroad subject to this Act, within a time specified in the order, to install automatic train-stop or train-control devices or other safety devices, which comply with specifications and requirements prescribed by the Commission, upon the whole or any part of its railroad, such order to be issued and published at least two years before the date specified for its fulfillment: Provided, That a carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its railroad not included in the order; and any action arising because of an accident happening upon such portion of its railroad shall be determined without consideration of the use of such devices upon another portion of its railroad. Any common carrier which refuses or neglects to comply with any order of the Commission made under the authority conferred by this section shall be liable to a penalty of $100 for each day that such refusal or neglect continues, which shall accrue to the United States, and may be recovered in a civil action brought by the United States. (Feb. 4, 1887, c. 104, § 26, added, Feb. 28, 1920, c. 91, § 441, 41 Stat. 498)

This section is added to the Interstate Commerce Act of 1887 (as amended), as § 26 thereof, by Act Feb 28, 1920, c 91, § 441 (Title IV of the Transportation Act, 1920).

§ 8596c. Citation of act—This Act may be cited as the "Interstate Commerce Act." (Feb. 4, 1887, c. 104, § 27, added, Feb. 28, 1920, c. 91, § 441, 41 Stat. 499)

This section is added to the Interstate Commerce Act of 1887 (as amended), as § 27 thereof, by Act Feb 28, 1920, c 91, § 441 (Title IV of the Transportation Act, 1920).

§ 8603. Larceny and receiving stolen properties; fraudulently taking baggage; receiving stolen baggage; asporting goods; punishment; definitions—Whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent in either case to commit larceny therein, or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, wagon, automobile, truck, or other vehicle, or from any steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight or express, or shall buy or receive or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another state or territory or the District of Columbia or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been stolen, shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender. The words "station house," "platform," "depot," "wagon," "automobile," "truck," "or other vehicle," as used in this section shall include any station house, platform, depot, wagon, automobile, truck, or other vehicle of any person, firm, association, or corporation having in his or its custody therein or thereon any freight, express, goods, chattels, shipments, or baggage moving as or which are a part of or which constitute an interstate or foreign shipment. (Feb 13, 1913, c. 50, § 1, 37 Stat. 670, amended, Jan. 28, 1925, c. 102, 43 Stat. 793.)

§ 8604. Jurisdiction of state courts; effect of conviction or acquittal in state court—Nothing in this Act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or ac-

quittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts (Feb. 13, 1913, c. 50, § 2, 37 Stat. 670, amended, Jan. 28, 1925, c. 102, 43 Stat. 794.)

§ 8604¼. Proof of interstate or foreign commerce character of shipments—To establish the interstate or foreign commerce character of any shipment in any prosecution under this Act the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made (Jan. 28, 1925, c. 102, 43 Stat. 794.)

This section was added to Act Feb. 13, 1913, c. 50, 37 Stat. 670, by amendment, by Act Jan. 28, 1925, c. 102, cited above.

Chapter B—Bills of Lading

§ 8604a. Issue by carrier receiving property for transportation; liability to holder for loss; limitation of liability; statement of value of goods, and rates dependent thereon; times for notice and filing of claims and for suits thereon—(11) Any common carrier, railroad, or transportation company subject to the provisions of this Act receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property, caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed, and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt, or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made is hereby declared to be unlawful and void: Provided, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by and under the laws and regulations applicable to transportation by water, and the liability of the initial carrier shall be the same as that of such carrier by water: Provided, however, That the provisions hereof respecting liability for full actual loss, damage, or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first, to baggage carried on passenger trains or boats, or trains or boats carrying passengers; second, to property, except ordinary live stock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Interstate Commerce Commission to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released, and shall not, so far as relates to values, be held to be a violation of section ten of this Act to regulate commerce, as amended; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary live stock" shall include all cattle, swine, sheep, goats, horses, and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: Provided further, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: Provided further, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than ninety days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: Provided, however, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery. (Feb. 4, 1887, c. 104, § 20, 24 Stat. 386, amended, June 29, 1906, c. 3591, § 7, 34 Stat. 595, March 4, 1915, c. 176, § 1, 38 Stat. 1196, Aug. 9, 1916, c. 301, 39 Stat. 441, and Feb. 28, 1920, c. 91, §§ 436–438, 41 Stat. 494.)

This section, and the section next following, are paragraphs 11 and 12 of § 20 of the Interstate Commerce Act of 1887 (as amended), as amended by Act Feb. 28, 1920, c. 91, §§ 436-438 (Title IV of the Transportation Act, 1920). This last amendment of this section consists in the numbering of the paragraph, as set forth here, and in the insertion of the first proviso, as set forth here, and in the amendment of the next to the last proviso, as set forth here. For this section prior to this amendment see U. S. Comp. St. 1918, § 8604a. This last amendment to the section next following consists merely in the numbering of the paragraphs as set forth here.

The numbering of these paragraphs as 11 and 12 were made to correspond to the numbering of the other paragraphs of said § 20 of the Interstate Commerce Act.

§ 8604aa. Recovery by carrier, issuing bill, of amount of loss paid, from carrier on whose line loss occurred—(12) The common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt,

judgment, or transcript thereof. (Feb 4, 1887, c. 104, § 20, 24 Stat. 386, amended, June 29, 1906, c. 3591, § 7, 34 Stat 595, and Feb. 28, 1920, c. 91, § 436, 41 Stat. 494)

See note to § 8604a, ante.

Chapter C—Safety Appliances and Equipments on Railroad Engines and Cars, and Protection of Employés and Travelers

§ 8616.

The First Deficiency Act, Fiscal year 1925, Act Jan 20, 1925, c 85, § 1, 43 Stat 755, contains the following provision.

"To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads, the act requiring common carriers to make reports of accidents and authorizing investigations thereof, and to enable the Interstate Commerce Commission to investigate and test block signal and train control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, including the employment of inspectors and per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914 * * *"

§ 8630. Inspection of locomotive boilers and appurtenances; definitions—When used in this Act the terms "carrier" and "common carrier" mean a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to the Interstate Commerce Act, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation. The term "railroad" as used in this Act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any train (Feb 17, 1911, c. 103, § 1, 36 Stat. 913, amended June 7, 1924, c 355, § 1, 43 Stat 659)

This section was amended by Act June 7, 1924, c. 355, § 1, cited above, by changing the first sentence thereof to read as set forth above. Prior to this amendment said first sentence read as follows: "The provisions of this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States"

The First Deficiency Act, Fiscal year 1925, Act Jan 20, 1925, c. 85, § 1, 43 Stat. 755, contains the following provision:

"For all authorized expenditures under the provisions of the Act of February 17, 1911, 'To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto,' as amended by the Act of March 4, 1915, extending the 'same powers and duties with respect to all parts and appurtenances of the locomotive and tender,' and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation Act approved August 1, 1914. * * *"

§ 8631. Same; use of locomotive, unless boiler safe; inspection and tests—It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its boiler, tender, and all parts and appurtenances thereof are in proper condition and safe to operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of this Act and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for (Feb. 17, 1911, c 103, § 2, 36 Stat. 913, amended, June 7, 1924, c 355, § 2, 43 Stat 659)

For this section, prior to its amendment by Act June 7, 1924, c 355, § 2, cited above, see U. S Comp St 1918, § 8631

§ 8632. Same; chief inspectors—There shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this Act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers The chief inspector shall receive a salary of $5,000 per year and the assistant chief inspector shall each receive a salary of $4,000 per year, and each of the three shall be paid his traveling expenses incurred in the performance of his duties The office of the chief inspector shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his said assistants may require (Feb. 17, 1911, c. 103, § 3, 36 Stat 914, amended, June 26, 1918, c. 105, § 1, 40 Stat 616, and June 7, 1924, c. 355, § 3, 43 Stat 659.)

This section was amended by Act June 26, 1918, c 105, § 1, cited above, by increasing the salary of the chief inspector from $4,000 to $5,000 per year, and by increasing the salaries of the chief assistant inspectors from $3,000 to $4,000 per year. Section 2 of said amendatory act provided that nothing in said amendatory act should be construed as amending, altering, or repealing any of the other provisions of the sections amended It was again amended by Act June 7, 1924, c. 355, § 3, cited above, by inserting after the words "Interstate Commerce Commission shall provide such," the words "legal, technical"

Act March 3, 1925, c. 468, § 1, 43 Stat. 1204, contains the following.

"For all authorized expenditures under the provisions of the Act of February 17, 1911, 'To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto,' as amended by the Act of March 4, 1915, extending 'the same powers and duties with respect to all parts and appurtenances of the locomotive and tender,' and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914, $450,000, of which amount not to exceed $65,820 may be expended for personal services in the District of Columbia."

See, also, post, § 8632a

§ 8632a. Same; salaries of chief inspector, assistant chief inspectors, and inspectors; allowances to inspectors—Hereafter the salary of the chief inspector shall be $6,000 per year; the salary of each assistant chief inspector shall be $5,000 per year; the salary of each inspector shall be $3,600 per year; and the annual allowance for each inspector for office rent, stationery, and clerical assistance fixed by the Inter-

state Commerce Commission shall not exceed $1 000. (June 7, 1924, c. 355, § 6, 43 Stat. 659.)

This section is section 6 of an act entitled "An act to amend the Act entitled 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto,' approved February 17, 1911, as amended," cited above.

§ 8633. Inspection districts; appointment of inspectors, and assignment to districts; salaries and expenses; examinations of applicants; disqualifications—Immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into fifty locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for each district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission fifty inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinbefore named. Each inspector shall receive a salary of $3.000 per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission but not to exceed in the case of any district inspector six hundred dollars per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers, and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

Within the appropriations therefor and subject to the provisions of this Act, the Interstate Commerce Commission may appoint, from time to time, not more than fifteen inspectors in addition to the number authorized in the first paragraph of this section, as the needs of the service may require. Any inspector appointed under this paragraph shall be so assigned by the chief inspector that his service will be most effective. (Feb. 17, 1911, c. 103, § 4, 36 Stat. 914, amended, June 26, 1918, c. 105, § 1, 40 Stat. 616, and June 7, 1924, c. 355, § 4, 43 Stat. 659.)

This section was amended by Act June 26, 1918, c. 105, § 1, cited above, by increasing the salaries of the district inspectors from $1,800 to $3,000 per year. See, also, note to § 8632. It was again amended by Act June 7, 1924, c. 355, § 4, cited above, by adding the last paragraph as set forth above.

§ 8639. [Repealed.]

This section (Act Feb. 17, 1911, c. 103, § 10, 36 Stat. 916) is repealed by Act June 7, 1924, c. 355, § 5, 43 Stat. 659.

§ 8641.

Act March 3, 1925, c. 468, § 1, 43 Stat. 1205, contains the following:

"To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal and train-control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the Sundry Civil Act approved May 27, 1908, including the employment of a chief inspector at $6,000 per annum, and two assistant chief inspectors at $5,000 each per annum, and such other inspectors as may be necessary, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the Sundry Civil Appropriation Act approved August 1, 1914, $650,000 or which amount not to exceed $200,000 may be expended for personal services in the District of Columbia."

Chapter F—Arbitration between Carriers and Employés

§ 8675a. Expenses of boards of arbitration—Authority for incurring expenses, including subsistence, by boards of arbitration shall first be obtained from the Board of Mediation and Conciliation. (June 5, 1920, c. 235, § 1, 41 Stat. 886.)

From the sundry civil appropriation act for the year 1921, cited above. It has been repeated in prior acts.

§ 8676a. Offices of Commissioner of Mediation and Conciliation and Assistant Commissioner of Mediation and Conciliation abolished—The offices of Commissioner of Mediation and Conciliation and Assistant Commissioner of Mediation and Conciliation are abolished after December 31, 1921. (Dec. 15, 1921, c. 1, § 1, 42 Stat. 328.)

From the First Deficiency Appropriation Act, fiscal year 1922, cited above.

TITLE LVI B—REGULATION OF INTERSTATE AND FOREIGN COMMERCE AS TO PARTICULAR SUBJECTS

Chapter A—Animals, Meats, and Meat and Dairy Products

§ 8681aa. Marking horse meat transported in interstate commerce—Hereafter, no person, firm, or corporation or officer, agent, or employee thereof shall transport or offer for transportation, and no carrier of interstate or foreign commerce, shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia or to any place under the jurisdiction of the United States or to any foreign country any of such meat or food products thereof unless plainly and conspicuously labeled, marked, branded or tagged "Horse-meat" or "Horse-meat Product" as the case may be, under such rules and regulations as may be prescribed by the Secretary of Agriculture. All the penalties, terms and provisions in said Act, as amended, except the exemption therein applying to animals slaughtered by any farmer on a farm, to retail butchers and retail dealers in meat food products supplying their customers are hereby made applicable to horses, their carcasses, parts of carcasses and meat food products thereof, and the establishments and other places where such animals are slaughtered or the meat or meat food products thereof are prepared or packed for the interstate or foreign commerce, and to all persons, firms, corporations and officers, agents and employees thereof who slaughter such animals or prepare or handle such meat or meat food products for interstate or foreign commerce. (July 24, 1919, c. 26, 41 Stat. 241.)

From the agricultural appropriation act for the year 1920, cited above.

§ 8685. [Repealed]

This section (Act March 4, 1911, c 238, 36 Stat 1240) is repealed by Act April 15, 1924, c 110, 43 Stat 98

§ 8689a. **Admission for immediate slaughter at ports of entry of tick-infested cattle; regulations; slaughtering**—The Act of August thirtieth, eighteen hundred and ninety, entitled "An Act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes" (Twenty-sixth Statutes at Large, page four hundred and fourteen), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission into the United States for immediate slaughter at ports of entry to be designated in said joint regulations of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within sixty days next before their exportation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea, subject to the provisions of section seven eight, nine, and ten of said Act of August thirtieth, eighteen hundred and ninety: Provided, That the importation of tick-infested cattle from any country referred to in this section in which foot-and-mouth disease exists, which existence shall be determined by the Secretary of Agriculture, is prohibited. Provided further, That all cattle imported under the provisions of this section shall be slaughtered in accordance with the provisions of the Act of June thirtieth, nineteen hundred and six (Thirty-fourth Statutes at Large, page six hundred and seventy-four), commonly called the meat-inspection amendment, and the rules and regulations promulgated thereunder by the Secretary of Agriculture, and that their hides shall be disposed of under rules and regulations to be prescribed by the Secretary of Agriculture· And provided further, That the slaughter of all such cattle imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe, and that the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, may permit the exportation of tick-infested cattle from the Virgin Islands to Porto Rico when said cattle are otherwise free from disease (Aug. 10, 1917, c. 52, § 9, 40 Stat. 275, amended, Nov. 21, 1918, c. 212, § 3, 40 Stat. 1048.)

This section was amended by Act Nov 21, 1918, c. 212, § 3, 40 Stat 1048, cited above, to read as set forth above. Prior to this amendment said section read as follows "The Act of August thirtieth, eighteen hundred and ninety, entitled 'An Act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes' (Twenty-sixth Statutes at Large, page four hundred and fourteen), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission for immediate slaughter at ports of entry of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within sixty days next before their exportation from Mexico, South and Central America, the islands of the Gulf of Mexico and the Caribbean Sea into those parts of the United States below the southern cattle quarantine line at such ports of entry as may be designated by said joint regulations and also subject to the provisions of sections seven, eight, nine, and ten of said Act of August thirtieth, eighteen hundred and ninety: Provided, That the importation of tick-infested cattle from any country referred to in this section in which foot-and-mouth disease exists, which existence shall be determined by the Secretary of Agriculture, is prohibited: Provided further, That all cattle imported under the provisions of this section shall be slaughtered in accordance with the provisions of the Act of June thirtieth, nineteen hundred and six (Thirty-fourth Statutes at Large, page six hundred and seventy-four), commonly called the meat inspection amendment, and the rules and regulations promulgated thereunder by the Secretary of Agriculture, and that their hides shall be disposed of under rules and regulations to be prescribed by the Secretary of Agriculture"

§ 8697a. **Shipment for immediate slaughter of certain cattle**—That the Act approved May twenty-ninth, eighteen hundred and eighty-four (Twenty-third Statutes at Large, page thirty-one) be, and the same is hereby, amended to permit hereafter cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture. (May 31, 1920, c. 217, 41 Stat 690.)

From the agricultural appropriation act for the year 1921, cited above It has been repeated in prior acts

§ 8697b. **Reshipment of certain cattle**—Hereafter the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner. (May 31, 1920, c. 217, 41 Stat. 699)

From the agricultural appropriation act for the year 1921, cited above It has been repeated in prior acts without the word "hereafter."

§ 8706a. **Payment for animal purchased; computation of value and amount paid**—Eradication of foot-and-mouth and other contagious diseases of animals. In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend, in the city of Washington or elsewhere, the sum of $10,980, together with any unexpended balances of appropriations heretofore made for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: Provided, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no apraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any such appraisements. (May 11, 1922, c. 185, 42 Stat. 536. Feb. 26, 1923, c. 119, 42 Stat. 1318. April 2, 1924, c. 81, § 1, 43 Stat. 40. June 5, 1924, c. 266, 43 Stat. 458. Dec. 5, 1924, c. 4, § 1, 43 Stat. 683. Feb. 10, 1925, c. 200, 43 Stat. 851)

From the Agriculture Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 8706b. **Payment for destruction of tuberculosis animals**—For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for re-

searches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities * * Provided, however, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary, within the limitations above provided, for the reimbursement of owners of animals so destroyed, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such animals shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: Provided further, That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality, where the animal shall be condemned; and that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations. * * (May 11, 1922, c. 185, 42 Stat. 511. Feb. 26, 1923, c. 119, 42 Stat 1296. June 5, 1924, c 266, 43 Stat. 438. Feb 10, 1925, c. 200, 43 Stat. 827.)

From the Agriculture Department appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

Chapter AA—Live Stock, Live Stock Products, Dairy Products, Poultry, Poultry Products, and Eggs

TITLE I.—DEFINITIONS

§ 8716¼. Short title of act—This Act may be cited as the "Packers and Stockyards Act, 1921." (Aug 15, 1921, c. 64, § 1. 42 Stat. 159)

This section, and §§ 8716¼a-8716¼s, 8716¼t-8716¼z, post, are an act entitled "An act to regulate interstate and foreign commerce in live stock, live stock products, dairy products, poultry, poultry products, and eggs, and for other purposes," cited above.

§ 8716¼a. Definitions—(a) When used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "meat food products" means all products and by-products of the slaughtering and meat-packing industry—if edible;

(4) The term "live stock" means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term "live-stock products" means all products and by-products (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from live stock; and

(6) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof, or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof: or within any Territory or possession, or the District of Columbia.

(b) For the purpose of this Act (but not in any wise limiting the foregoing definition) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the live-stock and meat-packing industries, whereby live stock, meats, meat food products, live-stock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of live stock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Aug 15, 1921, c 64, § 2, 42 Stat. 159)

See note to § 8716¼, ante.

TITLE II.—PACKERS

§ 8716¼aa. Packer defined—When used in this Act—

The term "packer" means any person engaged in the business (a) of buying live stock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of manufacturing or preparing live-stock products for sale or shipment in commerce, or (d) of marketing meats, meat food products, live-stock products, dairy products, poultry, poultry products, or eggs, in commerce; but no person engaged in such business of manufacturing or preparing live-stock products or in such marketing business shall be considered a packer unless—

(1) Such person is also engaged in any business referred to in clause (a) or (b) above, or unless

(2) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, any interest in any business referred to in clause (a) or (b) above, or unless

(3) Any interest in such business of manufacturing or preparing live-stock products, or in such marketing business is owned or controlled, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, by any person engaged in any business referred to in clause (a) or (b) above, or unless

(4) Any person or persons jointly or severally, directly or indirectly, through stock ownership or control or otherwise, by themselves or through their agents, servants, or employees, own or control in the

aggregate 20 per centum or more of the voting power or control in such business of manufacturing or preparing live-stock products, or in such marketing business and also 20 per centum or more of such power or control in any business referred to in clause (a) or (b) above (Aug 15, 1921, c. 64, § 201, 42 Stat 160.)

See note to § 8716¼, ante

§ 8716¼b. Unlawful practices by packers enumerated—It shall be unlawful for any packer to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce, or

(b) Make or give, in commerce, any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject, in commerce, any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(c) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any article for the purpose or with the effect of apportioning the supply in commerce between any such packers, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly in commerce, or

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person any article for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce, or

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(f) Conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce; or

(g) Conspire, combine, agree or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by subdivision (a), (b), (c), (d), or (e) (Aug. 15, 1921, c. 64, § 202, 42 Stat. 161)

See note to § 8716¼, ante.

§ 8716¼bb. Violations of Title; complaint by Secretary of Agriculture; hearing; intervention; report and order by Secretary; filing transcript of record; service of complaint, etc.—(a) Whenever the Secretary has reason to believe that any packer has violated or is violating any provision of this title, he shall cause a complaint in writing to be served upon the packer, stating his charges in that respect, and requiring the packer to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the packer a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the packer, be adjourned for a period not exceeding fifteen days.

(b) If, after such hearing, the Secretary finds that the packer has violated or is violating any provisions of this title covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the packer an order requiring such packer to cease and desist from continuing such violation The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture.

(c) Until a transcript of the record in such hearing has been filed in a circuit court of appeals of the United States, as provided in section 204, the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the packer to be heard, may amend or set aside the report or order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914. (Aug 15, 1921, c 64, § 203, 42 Stat 161.)

See note to § 8716¼, ante

§ 8716¼c. Same; order of secretary; finality; appeal to circuit court of appeals; temporary and final injunction—(a) An order made under section 203 shall be final and conclusive unless within thirty days after service the packer appeals to the circuit court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order. If before such transcript is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such transcript is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the circuit court of appeals affirms or modifies the order of the Secretary, its decree shall operate as

an injunction to restrain the packer, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(h) The circuit court of appeals shall have exclusive jurisdiction to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 240 of the Judicial Code, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the circuit court of appeals, in so far as such decree operates as an injunction, unless so ordered by the Supreme Court

(i) For the purposes of this title the term "circuit court of appeals," in case the principal place of business of the packer is in the District of Columbia, means the Court of Appeals of the District of Columbia. (Aug 15, 1921, c 64, § 204, 42 Stat. 162)

See note to § 8716¼, ante

§ 8716¼cc. Same; violations of order of Secretary; punishment—Any packer, or any officer, director, agent, or employee of a packer, who fails to obey any order of the Secretary issued under the provisions of section 203, or such order as modified—

(1) After the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside or modify such order, if no such petition has been filed within such time, or

(2) After the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the circuit court of appeals and no such writ has been applied for within such time; or

(3) After such order, or such order as modified, has been sustained by the courts as provided in section 204: shall on conviction be fined not less than $500 nor more than $10,000, or imprisoned for not less than six months nor more than five years, or both. Each day during which such failure continues shall be deemed a separate offense. (Aug. 15, 1921, c. 64, § 205, 42 Stat 163)

See note to § 8716¼, ante.

TITLE III.—STOCKYARDS

§ 8716¼d. Definitions—When used in this Act—

(a) The term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard;

(b) The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling in commerce, of live stock;

(c) The term "market agency" means any person engaged in the business of (1) buying or selling in commerce live stock at a stockyard on a commission basis or (2) furnishing stockyard services; and

(d) The term "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce live stock at a stockyard, either on his own account or as the employee or agent of the vendor or purchaser. (Aug 15, 1921, c. 64, § 301, 42 Stat. 163.)

See note to § 8716¼, ante

§ 8716¼e. Stockyard defined; determination of stockyards governed by Title—(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce, This title shall not apply to a stockyard of which the area normally available for handling live stock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition. (Aug 15, 1921, c 64, § 302, 42 Stat. 163)

See note to § 8716¼, ante

§ 8716¼f. Market agency or dealer at stockyard; registration with Secretary; penalty for failure to register—After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless he has registered with the Secretary under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged and the kinds of stockyard services, if any, which he furnishes at such stockyard. Whoever violates the provisions of this section shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States. (Aug. 15, 1921, c. 64, § 303, 42 Stat. 163.)

See note to § 8716¼, ante

§ 8716¼g. Reasonable stockyard services to be furnished—It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard. (Aug. 15, 1921, c. 64, § 304, 42 Stat. 164.)

See note to § 8716¼, ante.

§ 8716¼h. Rates or charges for stockyard services—All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful. (Aug. 15, 1921, c. 64, § 305, 42 Stat. 164)

See note to § 8716¼, ante.

§ 8716¼i. Same; schedule; filing; change; penalties—(a) Within sixty days after the Secretary has given public notice that a stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, the stockyard owner and every market agency at such stockyard shall file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for the stockyard services furnished by such person at such stockyard. If a market agency commences business at the stockyard after the expiration of such sixty days such schedules must be filed before any stockyard services are furnished.

(b) Such schedules shall plainly state all such rates and charges in such detail as the Secretary may require, and shall also state any rules or regulations which in any manner change, affect, or determine any part or the aggregate of such rates or charges, or the value of the stockyard services furnished. The

Secretary may determine and prescribe the form and manner in which such schedules shall be prepared, arranged, and posted, and may from time to time make such changes in respect thereto as may be found expedient.

(c) No changes shall be made in the rates or charges so filed and published, except after ten days' notice to the Secretary and to the public filed and published as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect; but the Secretary may, for good cause shown, allow changes on less than ten days' notice, or modify the requirements of this section in respect to publishing, posting, and filing of schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

(d) The Secretary may reject and refuse to file any schedule tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the Secretary shall be void and its use shall be unlawful.

(e) Whenever there is filed with the Secretary any schedule, stating a new rate or charge, or a new regulation or practice affecting any rate or charge, the Secretary may either upon complaint or upon his own initiative without complaint, at once, and if he so orders without answer or other formal pleading by the person filing such schedule, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, charge, regulation, or practice, and pending such hearing and decision thereon the Secretary, upon filing with such schedule and delivering to the person filing it a statement in writing of his reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, regulation, or practice, but not for a longer period than thirty days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, regulation, or practice goes into effect, the Secretary may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing can not be concluded within the period of suspension the Secretary may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, charge, regulation, or practice shall go into effect at the end of such period.

(f) After the expiration of the sixty days referred to in subdivision (a) no person shall carry on the business of a stockyard owner or market agency unless the rates and charges for the stockyard services furnished at the stockyard have been filed and published in accordance with this section and the orders of the Secretary made thereunder; nor charge, demand, or collect a greater or less or different compensation for such services than the rates and charges specified in the schedules filed and in effect at the time; nor refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their live stock, subject to such regulations as the Secretary may prescribe); nor extend to any person at such stockyard any stockyard services except such as are specified in such schedules.

(g) Whoever fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall be liable to a penalty of not more than $500 for each such offense, and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(h) Whoever wilfully fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall on conviction be fined not more than $1,000, or imprisoned not more than one year, or both. (Aug. 15, 1921, c. 64, § 306, 42 Stat. 164)

See note to § 8716¼, ante

§ 8716¼j. Unjust, unreasonable or discriminatory stockyard services—It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful. (Aug 15, 1921, c 64, § 307, 42 Stat 165)

See note to § 8716¼, ante.

§ 8716¼k. Civil damages for violations of Title; enforcement—(a) If any stockyard owner, market agency, or dealer, violates any of the provisions of sections 304, 305, 306, or 307, or of any order of the Secretary made under this title, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as provided in section 309, or (2) by suit in any district court of the United States of competent jurisdiction, but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies. (Aug 15, 1921, c. 64, § 308, 42 Stat. 165)

See note to § 8716¼, ante

§ 8716¼l. Violations of preceding sections; petition to Secretary; investigation and hearing; order for payment of money; suit in district court—(a) Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer (hereinafter in this section referred to as the "defendant") in violation of the provisions of sections 304, 305, 306, or 307, or of an order of the Secretary made under this title, may, at any time within ninety days after the cause of action accrues, apply to the Secretary by petition which shall briefly state the facts, whereupon the complaint thus made shall be forwarded by the Secretary to the defendant, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary. If the defendant within the time specified makes reparation for the injury alleged to be done he shall be relieved of liability to the complainant only for the particular violation thus complained of. If the defendant does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of in such manner and by such means as he deems proper.

(b) The Secretary, at the request of the live-stock commissioner, Board of Agriculture, or other agency of a State or Territory, having jurisdiction over stockyards in such State or Territory, shall investigate any complaint forwarded by such agency in like manner and with the same authority and powers as in the case of a complaint made under subdivision (a).

(c) The Secretary may at any time institute an inquiry on his own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made to or before the Secretary, by any provision of this title, or concerning which any question may arise under any of the provisions of this title, or relating to the enforcement of any of the provisions of this title. The Secretary shall have the same power and authority to proceed with any

inquiry instituted upon his own motion as though he had been appealed to by petition, including the power to make and enforce any order or orders in the case or relating to the matter or thing concerning which the inquiry is had, except orders for the payment of money

(d) No complaint shall at any time be dismissed because of the absence of direct damage to the complainant

(e) If after hearing on a complaint the Secretary determines that the complainant is entitled to an award of damages, the Secretary shall make an order directing the defendant to pay to the complainant the sum to which he is entitled on or before a day named

(f) If the defendant does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the defendant or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the suit. (Aug. 15, 1921, c. 64, § 309, 42 Stat. 165)

See note to § 8716¼, ante.

§ 8716¼m. Same; order by Secretary as to charges and practices—Whenever after full hearing upon a complaint made as provided in section 309, or after full hearing under an order for investigation and hearing made by the Secretary on his own initiative, either in extension of any pending complaint or without any complaint whatever, the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary—

(a) May determine and prescribe what will be the just and reasonable rate or charge, or rates or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what regulation or practice is or will be just, reasonable, and nondiscriminatory to be thereafter followed: and

(b) May make an order that such owner or operator (1) shall cease and desist from such violation to the extent to which the Secretary finds that it does or will exist, (2) shall not thereafter publish, demand, or collect any rate or charge for the furnishing of stockyard services other than the rate or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be; and (3) shall conform to and observe the regulation or practice so prescribed. (Aug. 15, 1921, c. 64, § 310, 42 Stat. 166.)

See note to § 8716¼, ante.

§ 8716¼n. Rates and practices prescribed by Secretary—Whenever in any investigation under the provisions of this title, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the buying or selling on a commission basis or otherwise, receiving, marketing, feeding, holding, delivery, shipment, weighing, or handling, not in commerce, of live stock, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce in live stock on the one hand and interstate or foreign commerce in live stock on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce in live stock, which is hereby forbidden and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination Such rates, charges, regulations, or practices shall be observed while in effect by the stockyard owners or market agencies parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding (Aug 15, 1921, c. 64, § 311, 42 Stat. 167.)

See note to § 8716¼, ante.

§ 8716¼o. Unfair, discriminatory or deceptive practices; powers of Secretary—(a) It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, buying or selling on a commission basis or otherwise, feeding, watering, holding, delivery, shipment, weighing or handling, in commerce at a stockyard, of live stock.

(b) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating the provisions of subdivision (a), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist. (Aug. 15, 1921, c. 64, § 312, 42 Stat 167)

See note to § 8716¼, ante.

§ 8716¼p. Orders of Secretary; time of taking effect—Except as otherwise provided in this Act, all orders of the Secretary under this title, other than orders for the payment of money, shall take effect within such reasonable time, not less than five days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, according as is prescribed in the order, unless such order is suspended or modified or set aside by the Secretary or is suspended or set aside by a court of competent jurisdiction. (Aug. 15, 1921, c. 64, § 313, 42 Stat. 167)

See note to § 8716¼, ante.

§ 8716¼pp. Same; failure to obey; punishment—(a) Any stockyard owner, market agency, or dealer who knowingly fails to obey any order made under the provisions of sections 310, 311, or 312 shall forfeit to the United States the sum of $500 for each offense. Each distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense Such forfeiture shall be recoverable in a civil suit in the name of the United States.

(b) It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expense of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. (Aug 15, 1921, c. 64, § 314, 42 Stat. 167)

See note to § 8716¼, ante.

§ 8716¼q. Same; failure to obey; enforcement by district court—If any stockyard owner,

market agency, or dealer fails to obey any order of the Secretary other than for the payment of money while the same is in effect, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the district court for the district in which such person has his principal place of business for the enforcement of such order. If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same. (Aug 15, 1921, c. 64, § 315, 42 Stat 167)

See note to § 8716¼, ante.

§ 8716¼r. Same; laws applicable—For the purposes of this title, the provisions of all laws relating to the suspending or restraining the enforcement, operation, or execution of, or the setting aside in whole or in part the orders of the Interstate Commerce Commission, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this title, and to any person subject to the provisions of this title. (Aug. 15, 1921, c. 64, § 316, 42 Stat. 168)

See note to § 8716¼, ante

TITLE IV—GENERAL PROVISIONS

§ 8716¼s. Accounts, records, etc., to be kept by packers, stockyard owners, market agencies, and dealers; failure to keep; punishment—Every packer, stockyard owner, market agency, and dealer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the Secretary finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the Secretary may prescribe the manner and form in which such accounts, records, and memoranda shall be kept, and thereafter any such person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary shall upon conviction be fined not more than $5,000, or imprisoned not more than three years, or both. (Aug 15, 1921, c. 64, § 401, 42 Stat. 168)

See note to § 8716¼, ante.

§ 8716¼ss. Bonds of market agencies and dealers; suspension of registrants—The Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing the Secretary finds any registrant is insolvent or has violated any provision of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction. (June 5, 1924, c. 266, 43 Stat. 460. Feb. 10, 1925, c 200, 43 Stat 851.)

From the Agriculture Department act for the year 1926, cited above, repeated from a prior appropriation act

§ 8716¼t. Certain provisions of Federal Trade Commission act applicable—For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this Act and to any person subject to the provisions of this Act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States. (Aug. 15, 1921, c 64, § 402, 42 Stat. 168)

See note to § 8716¼, ante

§ 8716¼u. Omission or failure of officer or agent deemed act of principal—When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any packer, stockyard owner, market agency, or dealer, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such packer, stockyard owner, market agency, or dealer, as well as that of such agent, officer, or other person (Aug. 15, 1921, c. 64, § 403, 42 Stat 168)

See note to § 8716¼, ante

§ 8716¼v. Reports of violations of act to Attorney General; Attorney General to prosecute—The Secretary may report any violation of this Act to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. (Aug 15, 1921, c. 64, § 404, 42 Stat 168)

See note to § 8716¼, ante

§ 8716¼w. Other acts not affected—Nothing contained in this Act, except as otherwise provided herein, shall be construed—

(a) To prevent or interfere with the enforcement of, or the procedure under, the provisions of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, the Interstate Commerce Act as amended, the Act entitled "An Act to promote export trade, and for other purposes," approved April 10, 1918, or sections 73 to 77, inclusive, of the Act of August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," as amended by the Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913, or

(b) To alter, modify, or repeal such Acts or any part or parts thereof, or

(c) To prevent or interfere with any investigation, proceeding, or prosecution begun and pending at the time this Act becomes effective. (Aug. 15, 1921, c. 64, § 405, 42 Stat. 168.)

See note to § 8716¼, ante.

§ 8716¼x. Powers of Interstate Commerce Commission not affected or conferred upon Secretary; powers of Federal Trade Commission restricted—(a) Nothing in this Act shall affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Secretary concurrent power or jurisdiction over any matter within the power or jurisdiction of such Commission.

(b) On and after the enactment of this Act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this Act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this Act, complaint has been served under section 5 of the Act en-

titled "An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes," approved September 26, 1914, or under section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and except when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigations and report in any case. (Aug. 15, 1921, c. 64, § 406, 42 Stat. 169.)

See note to § 8716¼, ante.

§ 8716¼y. Rules, regulations and orders by Secretary; cooperation with other Departments or governmental agencies; expenditures—The Secretary may make such rules, regulations and orders as may be necessary to carry out the provisions of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for such purpose. (Aug. 15, 1921, c. 64, § 407, 42 Stat 169.)

See note to § 8716¼, ante

The Second Deficiency Act, fiscal year 1925, Act March 4, 1925, c 556, § 1, 43 Stat 1327, contains the following provision "The Comptroller General is authorized and directed to credit the accounts of the disbursing clerk of the Department of Agriculture with payments heretofore or hereafter made for export services under existing agreements entered into by the Secretary of Agriculture in connection with investigations under the Act of August 15, 1921, Forty-second Statutes at Large, page 159"

§ 8716¼z. Partial invalidity of act—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Aug. 15, 1921, c. 64, § 408, 42 Stat. 169.)

See note to § 8716¼, ante

Chapter AAA—Associations of Producers of Agricultural Products

§ 8716½. Associations authorized—Persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common, and such associations and their members may make the necessary contracts and agreements to effect such purposes: Provided, however, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members. (Feb 18, 1922, c. 57, § 1, 42 Stat 388)

This section, and the section next following, are an act entitled "An act to authorize association of producers of agricultural products," cited above

§ 8716½a. Monopolizing or restraining trade or unduly enhancing prices; procedure—If the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof. (Feb. 18, 1922, c. 57, § 2, 42 Stat. 388.)

See note to § 8716½, ante.

Chapter AAAA—Honeybees

This chapter consists of Act Aug. 31, 1922, c 301, entitled "An act to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica)"

§ 8716⅝. Importation of adult honeybee prohibited; exceptions—In order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honeybee (Apis mellifica) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported Provided, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture And provided further, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture (Aug 31, 1922, c. 301, § 1, 42 Stat. 833.)

§ 8716⅝a. Same; punishment—Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. (Aug. 31, 1922, c. 301, § 2, 42 Stat. 834.)

Chapter AAAAA—Filled Milk

§ 8716¾. Filled milk; definitions—Whenever used in this Act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream: Provided, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them. (March 4, 1923, c. 262, § 1, 42 Stat. 1486.)

This section and the two sections next following, are an act entitled "An act to prohibit the shipment of filled milk in interstate or foreign commerce," cited above.

§ 8716¾a. Same; manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited—It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk. (March 4, 1923, c 262, § 2, 42 Stat. 1487.)

See note to § 8716¾, ante.

§ 8716¾b. Same; penalty for violations of preceding section—Any person violating any provision of this Act shall upon conviction thereof be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both, except that no penalty shall be enforced for any such violation occurring within thirty days after this Act becomes law. When construing and enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person. (March 4, 1923, c. 262, § 3, 42 Stat. 1487.)

See note to § 8716¾, ante.

Chapter B—Food, Drugs, and Liquors

§ 8722a. Butter; definition and standard therefor—For the purposes of the Food and Drug Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 768), "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for. (March 4, 1923, c. 268, 42 Stat. 1500.)

This section is an act entitled "An act to define butter and to provide a standard therefor," cited above

§ 8724a. "Package" construed—The word "package" where it occurs the second and last time in the act entitled "An act to amend section 8 of an act entitled, 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,'" approved March 3, 1913, shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale. (July 24, 1919, c. 26, 41 Stat. 271.)

From the agricultural appropriation act for the year 1920, cited above. For Act June 30, 1906, c. 3915, § 8, as amended, referred to in this section, see U. S. Comp. St. 1918, § 8721

§ 8739a.

This section is made applicable to the District of Columbia by § 1407 of the Revenue Act of 1918, post, § 10387ee.

§ 8739b. [Repealed.]

This section, which was § 301 of the Revenue Act of 1917, was repealed by § 1400 of the Revenue Act of 1918. See ante, § 6371¾a, and post, § 8739bb.

§ 8739bb. Importation of distilled spirits—No distilled spirits produced after October 3, 1917, shall be imported into the United States from any foreign country, or from the Virgin Islands (unless produced from products the growth of such islands, and not then into any State or Territory or District of the United States in which the manufacture or sale of intoxicating liquor is prohibited), or from Porto Rico, or the Philippine Islands. Under such rules, regulations, and bonds as the Secretary may prescribe, the provisions of this section shall not apply

to distilled spirits imported for other than (1) beverage purposes or (2) use in the manufacture or production of any article used or intended for use as a beverage (Feb. 24, 1919, c. 18, § 601, 40 Stat 1106)

This section is § 601 of the Revenue Act of 1918 (Title VI—Tax on Beverages), cited above It supersedes a like provision of § 301 of the Revenue Act of 1917, Act Oct 3, 1917, c. 63, 40 Stat 308, which was expressly repealed by § 1400 of the Revenue Act of 1918, Act Feb 24, 1919, c. 18, 40 Stat 1149, ante, § 6371¾a

Chapter BB—Naval Stores

§ 8740¼. Designation of act—For convenience of reference, this Act may be designated and cited as "The Naval Stores Act" (March 3, 1923, c. 217, § 1, 42 Stat. 1435)

This section, and the eight sections next following, are §§ 1-9 of an act entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes," cited above Section 10 of said act provides that the act shall become effective after the expiration of 90 days next after the date of its approval

§ 8740¼a. Definitions—When used in this Act—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia. (March 3, 1923, c. 217, § 2, 42 Stat. 1435.)

See note to § 8740¼, ante.

§ 8740¼b. Official Naval Stores Standards of United States—For the purposes of this Act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this Act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards," and shall be the standards by which all naval stores in commerce shall be graded and described (March 3, 1923, c. 217, § 3, 42 Stat. 1435.)

See note to § 8740¼, ante

§ 8740¼c. Duplicates of standards; examination, etc., of naval stores; certificates thereof—The Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court (March 3, 1923, c. 217, § 4, 42 Stat. 1436.)

See note to § 8740¼, ante

§ 8740¼d. Acts relating to naval stores declared unlawful—The following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (March 3, 1923, c. 217, § 5, 42 Stat. 1436)

See note to § 8740¼, ante.

§ 8740¼e. Penalty for violations of preceding section—Any person willfully violating any provision of section 5 of this Act shall on conviction, be

punished for each offense by a fine not exceeding $5,000 or by imprisonment for not exceeding one year, or both. (March 3, 1923, c. 217, § 6, 42 Stat 1436.)

See note to § 8740¼, ante

§ 8740¼f. Purchase and analysis of samples of spirits of turpentine—The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this Act He shall report to the Department of Justice for appropriate action any violation of this Act coming to his knowledge He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this Act. (March 3, 1923, c. 217, § 7, 42 Stat 1436.)

See note to § 8740¼, ante.

§ 8740¼g. Appropriations for administration and enforcement of Act—There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this Act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (March 3, 1923, c. 217, § 8, 42 Stat. 1436.)

See note to § 8740¼, ante.

§ 8740¼h. Partial invalidity of Act—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (March 3, 1923, c. 217, § 9, 42 Stat. 1437.)

See note to § 8740¼, ante.

Chapter E—Warehouses

§ 8747¾a. [Sec. 2.] Terms defined—The term "warehouse" as used in this Act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this Act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. (Aug. 11, 1916, c. 313, 39 Stat. 486, amended, Feb. 23, 1923, c. 106, 42 Stat. 1282.)

For this section prior to its amendment by Act Feb 23, 1923, c. 106, see U. S. Comp St. 1918, § 8747¾a

§ 8747¾bb. [Sec. 5.] Terms of license; renewal—Each license issued under sections four and nine of this Act shall terminate as therein provided, or in accordance with the terms of this Act and the regulations thereunder, and may from time to time be modified or extended by written instrument. (Aug. 11, 1916, c. 313, 39 Stat. 486, amended, Feb. 23, 1923, c. 106, 42 Stat. 1282.)

For this section prior to its amendment by Act Feb. 22, 1923, c. 106, see U. S. Comp. St. 1918, § 8747¾bb.

§ 8747¾c. [Sec. 6.] Bond of applicant for license; additional bond—Each warehouseman applying for a license to conduct a warehouse in accordance with this Act, shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this Act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this Act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked. (Aug. 11, 1916, c. 313, 39 Stat. 486, amended, July 24, 1919, c. 26, 41 Stat. 266, and Feb. 23, 1923, c. 106, 42 Stat. 1283.)

This section was amended by Act July 24, 1919, c 26, cited above, by striking out therefrom, after the words "a good and sufficient bond," the words "other than personal security," and by striking out, after the words "to carry out the purposes of this Act," the words "including the requirements of fire insurance" It was again amended by Act Feb. 23, 1923, c 106, 42 Stat. 1283, cited above, by inserting, after the words "to carry out the purposes of this act," the words "and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance."

§ 8747¾cc. [Sec. 11.] Licenses to persons to classify, grade, or weigh agricultural products for storage—The Secretary of Agriculture may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this Act, according to condition, grade or otherwise and to certificate the condition, grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample or classify and weigh the same and to certificate the condition, grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this Act and of the rules and regulations prescribed hereunder so far as the same relate to him. (Aug. 11, 1916, c. 313, 39 Stat. 487, amended, Feb. 23, 1923, c. 106, 42 Stat. 1283.)

For this section prior to its amendment by Act Feb. 23, 1923, c 106, see U. S. Comp St. 1918, § 8747¾cc.

§ 8747¾f. [Sec. 12.] Suspension or revocation of license to classify agricultural products—Any license issued to any person to inspect, sample or classify or to weigh any agricultural product or products under this Act may be suspended, or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this Act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11,

1916, c. 313, 39 Stat. 487, amended, Feb. 23, 1923, c 106, 42 Stat. 1283)

For this section prior to its amendment by Act Feb. 23, 1923, c. 106, see U S Comp St. 1918, § 8747¾f.

§ 8747¾gg. [Sec. 15.] Inspection and grading of stored fungible agricultural products—Any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this Act shall be inspected and graded by a person duly licensed to grade the same under this Act (Aug. 11, 1916, c. 313, 39 Stat. 488, amended, Feb 23, 1923, c. 106, 42 Stat 1283.)

For this section prior to its amendment by Act Feb. 23, 1923, c 106, see U. S Comp St 1918, § 8747¾gg.

§ 8747¾i. [Sec. 18.] Receipts for products stored; contents—Every receipt issued for agricultural products stored in a warehouse licensed under this Act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: Provided, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: Provided further, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States Warehouse Act and the rules and regulations prescribed thereunder, (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: Provided, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this Act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: Provided, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: Provided, however, The Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable. (Aug. 11, 1916, c. 313, 39 Stat. 488, amended, July 24, 1919, c. 26, 41 Stat. 266, and Feb 23, 1923, c. 106, 42 Stat 1284)

This section was amended by Act July 24, 1919, c 26, cited above, by striking out, at the end thereof, the words "if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable" It was again amended by Act Feb 23, 1923, c. 106, 42 Stat. 1284, cited above, by adding the last proviso as set forth above

§ 8747¾ii. [Sec. 19.] Standards for agricultural products—The Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: Provided, That the standards for any agricultural products which have been, or which in future may be, established by or under authority or any other act of Congress shall be, and are hereby, adopted for the purposes of this Act as the official standards of the United States for the agricultural products to which they relate. (Aug 11, 1916, c 313, 39 Stat. 489, amended, Feb 23, 1923, c 106, 42 Stat. 1284.)

For this section prior to its amendment by Act Feb. 23, 1923, c 106, see U S Comp St 1918, § 8747¾ii

§ 8747¾nn. [Sec. 29.] State and other laws not affected; enforcement of State laws—Nothing in this Act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers or classifiers, but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this Act; nor shall this Act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States. (Aug. 11, 1916, c 313, 39 Stat. 490, amended, Feb. 23, 1923, c. 106, 42 Stat. 1285)

For this section prior to its amendment by Act Feb. 23, 1923, c 106, see U S Comp St. 1918, § 8747¾nn.

§ 8747¾o. [Sec. 30.] Forging or altering license, violating or failing to comply with act, or issuing or uttering false or fraudulent receipt, or certificate—Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this Act, or who shall violate or fail to comply with any provision of section eight of this Act, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this Act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this

Act, or who shall classify, grade or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than $500 or imprisoned for not more than six months, or both, in the discretion of the court. (Aug. 11, 1916, c 313, 39 Stat 490, amended Feb 23, 1923, c. 106, 42 Stat. 1285)

For this section prior to its amendment by Act Feb 23, 1923, c 106, see U. S. Comp. St 1918, § 8747¾o

Chapter EE—Grain Futures

This chapter consists of Act Sept 21, 1922, c 369, cited as "The Grain Futures Act"

Act Aug 24, 1921, c 86, 42 Stat 187, known as "The Future Trading Act," was held unconstitutional at least in part in Hill v. Wallace, 42 Sup Ct 453 Said act read as follows

"This Act shall be known by the short title of 'The Future Trading Act'

"2. For the purposes of this Act 'contract of sale' shall be held to include sales, agreements of sale, and agreements to sell That the word 'person' shall be construed to import the plural or singular and shall include individuals, associations, partnerships corporations, and trusts That the word 'grain' shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum The term 'future delivery,' as used herein, shall not include any sale of cash grain for deferred shipment or delivery The words 'board of trade' shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official agent, or other person

"3 In addition to the taxes now imposed by law there is hereby levied a tax amounting to 20 cents per bushel on each bushel involved therein, whether the actual commodity is intended to be delivered or only nominally referred to, upon each and every privilege or option for a contract either of purchase or sale of grain, intending hereby to tax only the transactions known to the trade as 'privileges,' 'bids,' 'offers,' 'puts and calls,' 'indemnities,' or 'ups and downs.'

"4 In addition to the taxes now imposed by law there is hereby levied a tax of 20 cents a bushel on every bushel involved therein, upon each contract of sale of grain for future delivery except—

"(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

"(b) Where such contracts are made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a 'contract market,' as hereinafter provided, and if such contract is evidenced by a memorandum in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery, and provided that each board member shall keep such memorandum for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice.

"5 The Secretary of Agriculture is hereby authorized and directed to designate boards of trade as 'contract markets' when, and only when, such boards of trade comply with the following conditions and requirements:

"(a) When located at a terminal market upon which cash grain is sold in sufficient volumes and under such conditions as fairly to reflect the general value of the grain and the difference in value between the various grades of grain, and having recognized official weighing and inspection service.

"(b) When the governing board thereof provides for the making and filing, by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice

"(c) When the governing board thereof prevents the dissemination, by the board or any member thereof, of false, misleading, or inaccurate report, concerning crop or market information or conditions that affect or tend to affect the price of commodities

"(d) When the governing board thereof provides for the prevention of manipulation of prices, or the cornering of any grain, by the dealers or operators upon such board

"(e) When the governing board thereof admits to membership thereof and all privileges thereon on such boards of trade any duly authorized representative of any lawfully formed and conducted cooperative associations of producers having adequate financial responsibility Provided, That no rule of a contract market against rebating commissions shall apply to the distribution of earnings among the bona fide members of any such cooperative association

"(f) When the governing board shall provide for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) section 6 of this Act

"6 Any board of trade desiring to be designated a 'contract market' shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements

"(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a 'contract market' upon a showing that such board of trade has failed or is failing to comply with the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5 Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing. Provided, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission. Provided further, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested

"(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this Act, or is attempting to manipulate the market price of any grain in violation of the provisions of sec-

tion 5 hereof, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person Said hearing may be held in Washington, District of Columbia, or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties, of section 12 of the Interstate Commerce Act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this Act, and to persons subject to its provisions Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman, or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code

"7 The tax provided for herein shall be paid by the seller, and such tax shall be collected either by the affixing of stamps or by such other method as may have been prescribed by the Secretary of the Treasury by regulations, and such regulations shall be published at such times and in such manner as shall be determined by the Secretary of the Treasury.

"8 Any board of trade that has been designated a contract market, in the manner herein provided, may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least ninety days prior to the date named therein, as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets From and after the date upon which the vacation became effective, the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application

"9 The Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade and may publish from time to time, in his discretion, the result of such investigation, and such statistical information gathered therefrom, as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person, and trade secrets or names of customers: Provided, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary, relative to the conduct of any board of trade, or of the transactions of any person found guilty of violating the provisions of this Act under the proceedings prescribed in section 6 of this Act. Provided further, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products, and by-products, including supply and demand for these commodities, cost to the consumer and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices, and other conditions, in this and other countries that affect the markets

"10 Any person who shall fail to evidence any such contract by a memorandum in writing, or to keep the record, or make a report, or who shall fail to pay the tax, as provided in sections 4 and 5 hereof, or who shall fail to pay the tax required in section 3 hereof, shall pay in addition to the tax a penalty equal to 50 per centum of the tax levied against him under this Act and shall be guilty of a misdemeanor, and upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution

"11 If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby

"12 No tax shall be imposed by this Act within four months after its passage, and no fine, imprisonment, or other penalty shall be enforced for any violation of this Act occurring within four months after its passage

"13 The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person, and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes"

§ 8747½. Short title of act—This Act shall be known by the short title of "The Grain Futures Act." (Sept. 21, 1922, c 369, § 1, 42 Stat. 998)

§ 8747½a. Definitions; transactions in interstate commerce—(a) For the purposes of this Act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts The word "grain" shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum. The term "future delivery," as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this Act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and by-products thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and

the shipment outside the State of the products resulting from such manufacture Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Sept. 21, 1922, c. 369, § 2, 42 Stat 998.)

§ 8747½b. **"Futures" defined**—Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce, that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof and to facilitate the movements thereof in interstate commerce, that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of grain on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein. (Sept 21, 1922, c. 369, § 3, 42 Stat. 999)

§ 8747½c. **Transactions permitted**—It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: Provided, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (Sept 21, 1922, c. 369, § 4, 42 Stat 999)

§ 8747½d. **Contract markets; designation of boards of trade as; conditions and requirements**—The Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volumes and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: Provided, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of

the expense of conducting the business of such association

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this Act. (Sept 21, 1922, c. 369, § 5, 42 Stat. 1000.)

§ 8747½e. Same; application for designation; suspension or revocation of designation; violations of act; notice to accused; hearing; order—Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: Provided, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission. Provided further, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this Act, or is attempting to manipulate the market price of any grain in violation of the provisions of section 5 hereof, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties, of section 12 of the Interstate Commerce Act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this Act, and to persons subject to its provisions Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code. (Sept. 21, 1922, c 369, § 6, 42 Stat. 1001.)

§ 8747½f. Vacation of designation as contract market; redesignation—Any board of trade that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least ninety days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became

effective the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application. (Sept. 21, 1922, c 369, § 7, 42 Stat. 1002)

§ 8747½g. Investigations and reports by Secretary of Agriculture—For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this Act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers Provided, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this Act under the proceedings prescribed in section 6 of this Act Provided further, That the Secretary of Agriculture in any report may include the facts as to any actual transaction The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products and by-products, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices and other conditions in this and other countries that affect the markets. (Sept. 21, 1922, c. 369, § 8, 42 Stat. 1003.)

§ 8747½h. Unlawful transactions; punishment—Any person who shall violate the provisions of section 4 of this Act, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (Sept. 21, 1922, c. 369, § 9, 42 Stat. 1003.)

§ 8747½i. Partial invalidity of act—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (Sept. 21, 1922, c. 369, § 10, 42 Stat. 1003)

§ 8747½j. Time of taking effect of penal provisions—No fine or imprisonment shall be imposed for any violation of this Act occurring before the first day of the second month following its passage. (Sept. 21, 1922, c 369, § 11, 42 Stat. 1003.)

§ 8747½k. Cooperation by Secretary of Agriculture with departments or agents of Government, State, Territory, District, etc.; appointment, etc., of officers and employés for enforcement of act; expenses; appropriation—The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (Sept. 21, 1922, c. 369, § 12, 42 Stat. 1003)

Chapter EEE—Cotton Standards

§ 8747½. Citation of act—This Act shall be known by the short title of "United States Cotton Standards Act." (March 4, 1923, c 288, § 1, 42 Stat 1517)

This section, and the 12 sections next following, are §§ 1-13 of an act entitled "An act to establish and promote the use of official cotton standards of the United States in interstate and foreign commerce, to prevent deception therein and provide for the proper application of such standards, and for other purposes," cited above Section 14 of this act provides that the act shall become effective on and after August 1, 1923

§ 8747½a. Standards or grades of cotton declared unlawful—It shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this Act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this Act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this Act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this Act by a name, description, or designation, or any system of names, description, or designation not used in said standards: Provided, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards. (March 4, 1923, c 288, § 2, 42 Stat. 1517.)

See note to § 8747½, ante.

§ 8747½b. Licenses to grade or classify cotton and certify the same; issue; suspension or revocation—The Secretary of Agriculture may, upon presentation of satisfactory evidence of competency, issue to any person a license to grade or otherwise classify cotton and to certificate the grade or other class thereof in accordance with the official cotton standards of the United States. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of this Act or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without a hearing. (March 4, 1923, c. 288, § 3, 42 Stat. 1517.)

See note to § 8747½, ante.

§ 8747½c. Classification of cotton by Department of Agriculture; certificates thereof; rules

and regulations for classification—Any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture, as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as prima facie evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce The Secretary of Agriculture shall fix rules and regulations for submitting samples of cotton for classification providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton samples. (March 4, 1923, c. 288, § 4, 42 Stat 1517.)

See note to § 8747½, ante.

§ 8747½d. Charges for licenses or classifications—The Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for licenses issued to classifiers of cotton under section 3 and for determinations made under section 4 of this Act, and the amounts so collected shall be used by the Secretary of Agriculture in paying expenses of the Department of Agriculture connected therewith. (March 4, 1923, c. 288, § 5, 42 Stat. 1518)

See note to § 8747½, ante.

The "First Deficiency Act, fiscal year 1924," Act April 2, 1924, c. 81, § 1, 43 Stat 39, contains the following provision

"Any moneys received from or in connection with the sale of cotton now on hand or purchased for the preparation of any official cotton standards, and condemned, or from the sale of cotton standards prepared from cotton now on hand or purchased, may be used as authorized by section 6 of said Act"

§ 8747½e. Official cotton standards of United States; change or replacement; copies thereof—The Secretary of Agriculture is authorized to establish from time to time standards for the classification of cotton by which its quality or value may be judged or determined for commercial purposes, which shall be known as the official cotton standards of the United States. Any such standard or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year after the date of such order: Provided, That the official cotton standards established, effective August 1, 1923, under the United States Cotton Futures Act shall be at the same time the official cotton standards for the purpose of this Act unless and until changed or replaced under the act. Whenever any standard or change or replacement thereof shall become effective under this Act, it shall also, when so specified in the order of the Secretary of Agriculture, become effective for the purposes of the United States Cotton Futures Act and supersede any inconsistent standard established under said Act. Whenever the official cotton standards of the United States established under this Act shall be represented by practical forms the Department of Agriculture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The Secretary of Agriculture may cause such copies to be certified under the seal of the Department of Agriculture and may attach such conditions to the purchase and use thereof, including provision for the inspection, condemnation, and exchange thereof by duly authorized representatives of the Department of Agriculture, as he may find to be necessary to the proper application of the official cotton standards of the United States. Any moneys received from or in connection with the sale of cotton purchased for the preparation of such copies and condemned as unsuitable for such use or with the sale of such copies may be expended for the purchase of other cotton for such use. (March 4, 1923, c. 288, § 6, 42 Stat 1518.)

See note to § 8747½, ante. For the provisions of the "United States cotton futures Act" authorizing the establishment of cotton standards see U S Comp. St. 1918, § 6309] [sec 9]

§ 8747½f. Inspection and sampling of cotton—In order to carry out the provisions of this Act, the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 4 of this Act. (March 4, 1923, c. 288, § 7, 42 Stat. 1518)

See note to § 8747½, ante

§ 8747½g. Offenses in relation to cotton standards—It shall be unlawful for any person (a) with intent to deceive or defraud, to make, receive, use, or have in his possession any simulate or counterfeit practical form or copy of any standard or part thereof established under this Act, or (b) without the written authority of the Secretary of Agriculture, to make, alter, tamper with, or in any respect change any practical form or copy of any standard established under this Act; or (c) to display or use any such practical form or copy after the Secretary of Agriculture shall have caused it to be condemned. (March 4, 1923, c. 288, § 8, 42 Stat 1519)

See note to § 8747½, ante

§ 8747½h. Penalties—(a) Any person who shall knowingly violate any provision of sections 2 or 8 of this Act, or (b) any person licensed under this Act who, for the purposes of or in connection with any transaction or shipment in commerce, shall knowingly classify cotton improperly, or shall knowingly falsify or forge any certificate of classification, or shall accept money or other consideration, either directly or indirectly, for any neglect or improper performance of duty as such licensee, or (c) any person who shall knowingly influence improperly or attempt to influence improperly any person licensed under this Act in the performance of his duties as such licensee relating to any transaction or shipment in commerce, or (d) any person who shall forcibly assault, resist, impede, or interfere with or influence improperly or attempt to influence improperly any person employed under this Act in the performance of his duties, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not exceeding $1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. (March 4, 1923, c 288, § 9, 42 Stat. 1519)

See note to § 8747½, ante.

§ 8747½i. Regulations, investigations, tests, etc.—For the purposes of this Act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made, including the investigation and determination of some practical method whereby repeated and unnecessary sampling and classification of cotton may be avoided, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary. (March 4, 1923, c. 288, § 10, 42 Stat. 1519.)

See note to § 8747½, ante.

§ 8747½j. Definitions—Wherever used in this Act, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, a partnership, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia, and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person. (March 4, 1923, c. 288, § 11, 42 Stat. 1519)

See note to § 8747½, ante

§ 8747½k. Appropriation for enforcement of act; officers and employés; expenses—There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this Act; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere. (March 4, 1923, c. 288, § 12, 42 Stat. 1519.)

See note to § 8747½, ante

§ 8747½l. Partial invalidity of act—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby. (March 4, 1923, c. 288, § 13, 42 Stat. 1520)

See note to § 8747½, ante.

Chapter F—Insect Pests

§ 8764d. Plants and plant products; rules and regulations for shipment, etc., into or out of District of Columbia—In order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations no plant or plant products for or capable of propagation, including nursery stock, hereinafter referred to as plants and plant products, shall be moved or allowed to be moved, shipped, transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided. (Aug. 20, 1912, c. 308, § 15, added, May 31, 1920, c. 217, 41 Stat. 726.)

This section, and the 6 sections next following, were added to Act Aug. 20, 1912, c. 308, as § 15 thereof, by Act May 31, 1920, c. 217, § 1, cited above.

§ 8764e. Same; infection of; notice; eradication by owner—Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the District of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are hereby declared to be nuisances, within the time and in the manner required in said notice or by the rules and regulations of the Secretary of Agriculture. (Aug 20, 1912, c. 308, § 15, added, May 31, 1920 c. 217, 41 Stat 726)

See note to § 8764d, ante

§ 8764f. Same; infection of; eradication by Secretary of Agriculture—Whenever such owner or person cannot be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is hereby authorized and required to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf. (Aug 20, 1912, c. 308, § 15, added, May 31, 1920, c. 217, 41 Stat. 727.)

See note to § 8764d, ante

§ 8764g. Same; inspection—Employees of the Federal Horticultural Board are hereby authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section. (Aug. 20, 1912, c. 308, § 15, added, May 31, 1920, c. 217, 41 Stat. 727.)

See note to § 8764d, ante.

§ 8764h. Same; entry upon premises; opening packages; destruction of plants, etc.—For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Federal Horticultural Board shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein. (Aug. 20, 1912, c. 308, § 15, added, May 31, 1920, c. 217, 41 Stat. 727)

See note to § 8764d, ante.

§ 8764i. Same; search warrants—The police court or the municipal court of the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products. (Aug. 20, 1912, c. 308, § 15, added, May 31, 1920, c. 217, 41 Stat. 727.)

See note to § 8764d, ante.

§ 8764j. Same; rules and regulations—It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved,

or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under this section, shall be punished, as is provided in section 10 of this Act. (Aug. 20, 1912, c 308, § 15, added, May 31, 1920, c 217, 41 Stat. 727.)

See note to § 8764d, ante

Chapter I—Teas

§ 8786a. Importation of certain tea; duties of Secretary of Treasury transferred to Secretary of Agriculture—The Secretary of Agriculture shall, from and after the taking effect of this Act, execute and perform all the powers and duties conferred on the Secretary of the Treasury by the Act approved March 2, 1897 (Twenty-ninth Statutes at Large, page 604), entitled "An Act to prevent the importation of impure and unwholesome tea," as amended by the Act approved May 16, 1908 (Thirty-fifth Statutes at Large, page 163), entitled "An Act to amend an Act entitled 'An Act to prevent the importation of impure and unwholesome tea,' approved March 2, 1897." (May 31, 1920, c 217, 41 Stat 712.)

This section, and the section next following, are provisions of the agriculture appropriation act for the fiscal year 1921, cited above

§ 8786b. Same; bonds; appropriation—The bonds given to the United States as security in pursuance of section 1, as amended, shall be subject to the approval only of the collector of customs at the port of entry, that in place of the Board of United States General Appraisers provided for by section 6 of the Act, there shall be designated by the Secretary of Agriculture three employees of the Department of Agriculture to serve as the United States Board of Tea Appeals with all the powers and duties conferred by the Act on the Board of United States General Appraisers. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000 for carrying into effect the provisions of the aforesaid Act until the end of the fiscal year ending June 30, 1921, including payment of compensation and expenses of the members of the board appointed under section 2 of the Act and all other necessary officers and employees. (May 31, 1920, c 217, 41 Stat. 712)

See note to § 8786a, ante.

Chapter J—Opium

§ 8800. Narcotic drugs; definitions—When used in this Act—

(a) The term "narcotic drug" means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

(b) The term "United States," when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

(c) The term "board" means the Federal Narcotics Control Board established by section 2 of this Act; and

(d) The term "person" means individual, partnership, corporation, or association. (Feb. 9, 1909, c. 100, § 1, 35 Stat. 614, amended, Jan. 17, 1914, c. 9, 38 Stat. 275, and May 26, 1922, c. 202, § 1, 42 Stat. 596.)

For this section prior to its amendment by Act May 26, 1922, c. 202, § 1, see U. S. Comp. St. 1918, § 8800.

§ 8801. Narcotic drugs; Federal Narcotics Control Board; importation of narcotic drugs prohibited; exception; duties on drugs imported; punishment for unlawful importation; seizure and forfeiture of unlawfully imported narcotic drugs; deportation of aliens convicted for violations of act; possession of drug sufficient to convict; master of vessel, etc., not liable, when—(a) There is hereby established a board to be known as the "Federal Narcotics Control Board" and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. Except as otherwise provided in this Act or by other law, the administration of this Act is vested in the Department of the Treasury.

(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction; except that such amounts of crude opium and cocoa leaves as the board finds to be necessary to provide for medical and legitimate uses only, may be imported and brought into the United States or such territory under such regulations as the board shall prescribe, but no crude opium may be imported or brought in for the purpose of manufacturing heroin All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than ten years.

(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1) if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character; or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes

(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States," or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c), if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in sub-

division (d) (Feb 9, 1909, c. 100, § 2, 35 Stat 614, amended, Jan. 17, 1914, c. 9, 38 Stat 275, May 26, 1922, c 202, § 1, 42 Stat. 596, and June 7, 1924, c. 352, 43 Stat. 657.)

For this section prior to its amendment by Act May 26, 1922, c 202, § 1, cited above, see U S Comp St 1918, § 8801 By this amendment this section was made to read as follows

"(a) There is hereby established a board to be known as the 'Federal Narcotics Control Board' and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce Except as otherwise provided in this Act or by other law, the administration of this Act is vested in the Department of the Treasury.

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and cocoa leaves as the board finds to be necessary to provide for medical and legitimate uses only, may be imported and brought into the United States or such territory under such regulations as the board shall prescribe All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than ten years

"(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1) if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character, or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

"(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the Act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States,' or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections

"(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

"(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c), if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in subdivision (d)."

The section was again amended by Act June 7, 1924, c. 352, cited above, to read as set forth above.

§ 8801c. Smoking opium not admitted for transportation to another country nor transferred from one vessel to another—No smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the board, no other narcotic drug may be so admitted, transferred, or transshipped. (Feb. 9, 1909, c. 100, § 5, added Jan 17, 1914, c 9, 38 Stat. 275, and amended, May 26, 1922, c. 202, § 2, 42 Stat 597)

For this section prior to its amendment by Act May 26, 1922, c 202, § 2, U. S Comp St. 1918, § 8801c

§ 8801d. Exportation of narcotic drugs prohibited; exception; requests for copies of laws of foreign Governments; rules and regulations by Board—(a) It shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country: Provided, That narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is hereby absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, or permits or licenses for the control of imports of such narcotic drugs, (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it, that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

(b) The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, advise the board thereof.

(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this Act. (Feb 9, 1909, c 100, § 6, added, Jan. 17, 1914, c. 9, 38 Stat. 275, and amended, May 26, 1922, c 202, § 2, 42 Stat. 597)

For this section prior to its amendment by Act May 26, 1922, c. 202, § 2, see U. S Comp St 1918, § 8801d.

§ 8801f. Seizure and forfeiture of narcotic drugs found on vessel and not shown on manifest or landed from vessel without permit; penalty against master of vessel; withholding clearance papers; mitigation and remission of forfeitures and penalties—(a) A narcotic drug that is found upon a vessel arriving at a port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel without a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in subdivision (d) of section 2, and the master of the vessel shall be liable (1) if the narcotic drug is smoking opium, to a penalty of $25 an ounce, and (2) if any other narcotic drug, to a penalty equal to the value of the narcotic drug.

(b) Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs at the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted

by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceedings for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

(c) The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws, shall apply to penalties incurred for a violation of the provisions of this section. (Feb 9, 1909, c 100, § 8, added, Jan 17, 1914, c. 9, 38 Stat. 277, and amended, May 26, 1922, c. 202, § 3, 42 Stat. 598)

For this section prior to its amendment by Act May 26, 1922, c 202, § 3, see U S. Comp St. 1918, § 8801f.

§ 8801g. Citation of act—This Act may be cited as the "Narcotic Drugs Import and Export Act." (Feb. 9, 1909, c 100, § 9, added, May 26, 1922, c 202, § 4, 42 Stat. 598.)

This section was added to Act Feb. 9, 1909, c 100, as § 9 thereof, by Act May 26, 1922, c. 202, § 4, 42 Stat 598, cited above

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TITLE LVI C—MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

§ 8820.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title II, 43 Stat. 1027, contains the following

"Enforcement of antitrust laws. For the enforcement of antitrust laws, including not exceeding $15,000 for clerical services and not exceeding $50,000 for compensation of attorneys at the seat of government, $228,000 Provided, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful Provided further, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

§ 8835h. No person to be officer or employé of more than one of certain banks, banking associations, or trust companies, or of two or more of certain other competing corporations; determination of eligibility—From and after two years from the date of the approval of this Act no person shall at the same time be a director or other officer or employee of more than one bank, banking association or trust company, organized or operating under the laws of the United States, either of which has deposits, capital, surplus, and undivided profits aggregating more than $5,000,000; and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than $5,000,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The eligibility of a director, officer, or employee under the foregoing provisions shall be determined by the average amount of deposits, capital, surplus, and undivided profits as shown in the official statements of such bank, banking association, or trust company filed as provided by law during the fiscal year next preceding the date set for the annual election of directors, and when a director, officer, or employee has been elected or selected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter under said election or employment.

No bank, banking association or trust company, organized or operating under the laws of the United States, in any city or incorporated town or village of more than two hundred thousand inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employé of any other bank, banking association or trust company located in the same place Provided, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares. Provided further, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any state where the entire capital stock of one is owned by stockholders in the other: And provided further, That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in the Federal Reserve Act from being an officer or director or both an officer and director in one member bank.

And provided further, That nothing in this Act shall prohibit any private banker or any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such banker or member bank.

The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank

That from and after two years from the date of the approval of this Act no person at the same time shall be a director in any two or more corporations, any one of which has capital, surplus, and undivided profits aggregating more than $1,000,000, engaged in whole or in part in commerce, other than banks, banking associations, trust companies and common carriers subject to the Act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this Act it shall be lawful for him to continue as such for one year thereafter.

When any person elected or chosen as a director or officer or selected as an employee of any bank or other corporation subject to the provisions of this Act is eligible at the time of his election or selection to act for such bank or other corporation in such capacity his eligibility to act in such capacity shall not be affected and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment. (Oct. 15, 1914, c. 323, § 8, 38

Stat 732, amended, May 15, 1916, c 120, 39 Stat. 121, and May 26, 1920, c 206, 41 Stat 626)

This section was again amended by Act May 26, 1920, c 206, cited above, to read as set forth above This last amendment consists in the insertion, in the fourth proviso, after the word "prohibit" of the words "any private banker or"

§ 8835ii. Time of taking effect of Act Oct. 15, 1914, c. 323, § 10—The effective date on and after which the provisions of section 10 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes." approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 1, 1921: Provided, That such extension shall not apply in the case of any corporation organized after January 12, 1918. (Feb. 28, 1920, c. 91, § 501, 41 Stat 499)

This is § 501 of the "Transportation Act, 1920," cited above. It supersedes Res March 4, 1917, c 190, 39 Stat 1201, and Res Jan 12, 1918, c 8, 40 Stat 431

TITLE LVI D—FEDERAL TRADE COMMISSION, PREVENTION OF UNFAIR COMPETITION, AND PROMOTION OF EXPORT TRADE

§ 8836b.

For current appropriation for the Federal Trade Commission, see Act March 3, 1925, c 468, § 1, 43 Stat. 1203.

TITLE LVI E—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

§ 8837a. Short title of act—This Act shall be known by the short title of the "Migratory Bird Treaty Act." (July 3, 1918, c. 128, § 1, 40 Stat. 755.)

This section, and the twelve sections next following, are an act entitled "An act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes," cited above This act supersedes Act March 4, 1913, c. 145, 37 Stat. 847. See U. S. Comp St. 1918, § 8837.

§ 8837b. Taking, killing, or possessing migratory birds unlawful—Unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such bird. (July 3, 1918, c. 128, § 2, 40 Stat. 755.)

See note to § 8837a.

§ 8837c. Determination as to when and how migratory birds may be taken, killed, or possessed—Subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President. (July 3, 1918, c. 128, § 3, 40 Stat. 755)

See note to § 8837a

§ 8837d. Transportation or importation of migratory birds—It shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried. (July 3, 1918, c. 128, § 4, 40 Stat. 755.)

See note to § 8837a.

§ 8837e. Arrests; search warrants—Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (July 3, 1918, c. 128, § 5, 40 Stat. 756.)

See note to § 8837a.

§ 8837f. Punishments—Any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this Act, or who shall violate or fail to comply with any regulation made pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both. (July 3, 1918, c. 128, § 6, 40 Stat. 756.)

See note to § 8837a.

§ 8837g. State or Territorial laws or regulations—Nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention or of this Act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend

the open seasons for such birds beyond the dates approved by the President in accordance with section three of this Act. (July 3, 1918, c. 128, § 7, 40 Stat. 756)

See note to § 8837a

§ 8837h. Migratory birds, nests, or eggs for scientific or propagating purposes—Until the adoption and approval, pursuant to section three of this Act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and used exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package. (July 3, 1918, c. 128, § 8, 40 Stat. 756.)

See note to § 8837a

§ 8837i. Appropriation—The unexpended balances of any sums appropriated by the agricultural appropriation Acts for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, for enforcing the provisions of the Act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: Provided, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this Act. (July 3, 1918, c. 128, § 9, 40 Stat 756)

See note to § 8837a.

§ 8837j. Partial invalidity of act—If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered (July 3, 1918, c. 128, § 10, 40 Stat. 757.)

See note to § 8837a.

§ 8837k. Repeal—All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. (July 3, 1918, c. 128, § 11, 40 Stat. 757.)

See note to § 8837a.

§ 8837l. Breeding for food supply—Nothing in this Act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply. (July 3, 1918, c. 128, § 12, 40 Stat. 757.)

See note to § 8837a.

§ 8837m. Time of taking effect of act—This Act shall become effective immediately upon its passage and approval. (July 3, 1918, c. 128, § 13, 40 Stat. 757.)

See note to § 8837a.

TITLE LVI F—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS

§ 8842a. Powers and duties of Secretary of Commerce and Secretary of Agriculture—Hereafter the powers and duties heretofore conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are hereby conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture by existing law, with respect to walruses and sea lions, are hereby conferred upon, and shall be exercised by, the Secretary of Commerce (May 31, 1920, c. 217, 41 Stat 716)

This section, and the section next following, are provisions of the agricultural appropriation act for the year 1921, cited above

§ 8842b. Powers and duties of Secretary of Commerce as to fur seals, etc.—Nothing in this Act shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters, and jurisdiction over the Pribiloff Islands and the fur-bearing animals thereon. (May 31, 1920, c. 217, 41 Stat. 717.)

See note to § 8842a, ante.

TITLE LVI H—AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS

Chapter A—Agricultural Colleges

§ 8877c.

For current appropriation for the agricultural experiment stations, see Act Feb. 10, 1925, c 200, 43 Stat 824, as follows

"Extension Service Salaries: For personal services in the District of Columbia in accordance with the Classification Act of 1923, $137,139

"General Expenses, Extension Service. For farmers' cooperative demonstration work, including special suggestions of plans and methods for more effective dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice, at farmers' institutes and in agricultural instruction, and for the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $1,308,540, of which amount not to exceed $205,140 may be expended for personal services in the District of Columbia: Provided, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

"For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions; and under the same supervision as the additional appropriations made by the Act of May 8, 1914 (Thirty-Eighth Statutes at Large, page 372), entitled 'An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture,' $1,300,000; and all sums appropriated by this Act for use for demonstration or extension work within any State shall be used and expended in accordance with plans mutually agreed upon by the Secretary of Agriculture and

the proper officials of the college in such State which receives the benefits of said Act of May 8, 1914 Provided, That of the above appropriation not more than $300,000 shall be expended for purposes other than salaries of county agents

"To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects, to assist, through demonstrations, advice, and in other ways, settlers on the projects, and for the employment of persons and means necessary in the city of Washington and elsewhere, $38,640

"To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States, for the purchase of necessary supplies and equipment, for telephone and telegraph service, freight and express charges, for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, $99,745, of which amount not to exceed $52,460 may be expended for personal services in the District of Columbia

"For general administrative expenses connected with the Extension Service, and for miscellaneous expenses incident thereto, $11,640, of which amount not to exceed $8,400 may be expended for personal services in the District of Columbia"

Chapter B—Agricultural Experiment Stations

§ 8878.
See § 379a, ante

§ 8878a. Agricultural experiment stations; additional endowment appropriations; amounts; use of—For the more complete endowment and maintenance of agricultural experiment stations now established, or which may hereafter be established, in accordance with the Act of Congress approved March 2, 1887, there is hereby authorized to be appropriated, in addition to the amounts now received by such agricultural experiment stations, the sum of $20,000 for the fiscal year ending June 30, 1926; $30,000 for the fiscal year ending June 30, 1927; $40,000 for the fiscal year ending June 30, 1928; $50,000 for the fiscal year ending June 30, 1929; $60,000 for the fiscal year ending June 30, 1930; and $60,000 for each fiscal year thereafter, to be paid to each State and Territory; and the Secretary of Agriculture shall include the additional sums above authorized to be appropriated in the annual estimates of the Department of Agriculture, or in a separate estimate, as he may deem best. The funds appropriated pursuant to this Act shall be applied only to paying the necessary expenses of conducting investigations or making experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and sociological investigations as have for their purpose the development and improvement of the rural home and rural life, and for printing and disseminating the results of said researches. (Feb. 24, 1925, c. 308, § 1, 43 Stat. 970.)

This section, and the five sections next following, are an act entitled "An act to authorize the more complete endowment of agricultural experiment stations, and for other purposes," cited above.

§ 8878b. Same; payment of appropriations in installments; reports of disbursing officers—The sums hereby authorized to be appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the 1st day of January, April, July, and October of each year by the Secretary of the Treasury upon a warrant of the Secretary of Agriculture out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of such agricultural experiment stations to receive the same and such officers shall be required to report to the Secretary of Agriculture on or before the 1st day of September of each year a detailed statement of the amount so received and of its disbursement on schedules prescribed by the Secretary of Agriculture The grants of money authorized by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants: Provided, That payment of such installments of the appropriation herein authorized to be made as shall become due to any State or Territory before the adjournment of the regular session of the legislature meeting next after the passage of this Act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury. (Feb. 24, 1925, c. 308, § 2, 43 Stat 971)

See note to § 8878a, ante.

§ 8878c. Same; replacement of funds diminished, lost, or misapplied; limitation on expenditure; reports of stations—If any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory, and no portion of said moneys exceeding 10 per centum of each annual appropriation shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings or to the purchase or rental of land It shall be the duty of each of the said stations annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures for the fiscal year next preceding, a copy of which report shall be sent to each of the said stations and the Secretary of Agriculture and to the Secretary of the Treasury of the United States. (Feb 24, 1925, c. 308, § 3, 43 Stat. 971.)

See note to § 8878a, ante.

§ 8878d. Same; certificates of compliance with act by stations—On or before the 1st day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriations for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold from any State or Territory a certificate of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. The Secretary of Agriculture is hereby charged with the proper administration of this law. (Feb. 24, 1925, c. 308, § 4, 43 Stat 971.)

See note to § 8878a, ante.

§ 8878e. Same; annual reports to Congress by Secretary of Agriculture—The Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the

reason therefor. (Feb 24, 1925, c. 308, § 5, 43 Stat. 972)

See note to § 8878a, ante.

§ 8878f. Same; amendment, etc., of act—Congress may at any time amend, suspend, or repeal any and all of the provisions of this Act. (Feb. 24, 1925, c. 308, § 6, 43 Stat. 972)

See note to § 8878a, ante.

§ 8897a.

See ante, § 839a, for further provisions relating to the statement of expenditures, etc, for agricultural extension work in the agricultural colleges

§ 8897b. Appropriations; payment to Georgia Experiment Station—That hereafter the Secretary of Agriculture be, and he is hereby, authorized and directed to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury is authorized and directed to pay the appropriation for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and all future appropriations, to the Georgia Experiment Station, as authorized by the Act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes, page four hundred and forty), commonly referred to as the Hatch Act, and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes, page sixty-three), known as the Adams Act, and all amendments to said Acts, in accordance with the act of the General Assembly of Georgia, approved December twenty-ninth, eighteen hundred and eighty-eight, establishing the Georgia Experiment Station, and the act of August eighteenth, nineteen hundred and six, accepting the benefits of the Adams Act (Georgia laws, nineteen hundred and six, page eleven hundred and sixty-one): Provided further, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said Acts of Congress. (Oct. 1, 1918, c. 178, 40 Stat. 998)

From the agricultural appropriation act for the year 1919, cited above

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TITLE LVI I—WEIGHTS AND MEASURES AND STANDARD TIME

§ 8907rr. Transfer of certain territory to standard central time zone—That the Panhandle and Plains section of Texas and Oklahoma be, and the same are hereby, transferred to and placed within the United States standard central time zone.

The Interstate Commerce Commission is hereby authorized and directed to issue an order placing the western boundary line of the United States standard central time zone in so far as the same affect Texas and Oklahoma as follows:

Beginning at a point where such western boundary time zone line crosses the State boundary line between Kansas and Oklahoma; thence westerly along said State boundary line to the northwest corner of the State of Oklahoma; thence in a southerly direction along the west State boundary line of Oklahoma and the west State boundary line of Texas to the southeastern corner of the State of New Mexico; thence in a westerly direction along the State boundary line between the States of Texas and New Mexico to the Rio Grande River; thence down the Rio Grande River as the boundary line between the United States and Mexico: Provided, That the Chicago, Rock Island and Gulf Railway Company and the Chicago, Rock Island and Pacific Railway Company may use Tucumcari, New Mexico, as the point at which they change from central to mountain time and vice versa; the Colorado Southern and Fort Worth and Denver City Railway Companies may use Sixela, New Mexico, as such changing point; the Atchison, Topeka and Santa Fe Railway Company and other branches of the Santa Fe system may use Clovis, New Mexico, as such changing point, and those railways running into or through El Paso may use El Paso as such point. Provided further, That this Act shall not, except as herein provided, interfere with the adjustment of time zones as established by the Interstate Commerce Commission. (March 4, 1921, c. 173, § 1, 41 Stat. 1446.)

This is § 1 of an act entitled "An act to transfer the Panhandle and Plains section of Texas and Oklahoma to the United States standard central time zone" cited above Section 2 of said act repeals all conflicting laws and parts of laws.

§ 8907rrr. Zones for standard time; part of Idaho in third zone—In the division of territory, and in the definition of the limits of each zone, as hereinbefore provided, so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near forty-five degrees thirty minutes latitude shall be embraced in the third zone (March 19, 1918, c. 24, § 3, added, March 3, 1923, c. 216, 42 Stat. 1434)

This section was added to Act March 19, 1918, c. 24, 40 Stat 450, cited above, as section 3 thereof, by Act March 3, 1923, c 216, 42 Stat 1434, also cited above. The original section 3 of said Act March 19, 1918, c 24, 40 Stat. 451, was repealed by Act Aug 20, 1919, c. 51, 41 Stat 280.

§ 8907t. [Repealed]

This section (Act March 19, 1918, c. 24, § 3, 40 Stat 451), was repealed by Act Aug. 20, 1919, c 51, 41 Stat 280, effective on the last Sunday in October, 1919.
This act was passed over the veto of the President.

§ 8907uu. Standardization of screw threads; commission—A commission is hereby created, to be known as the Commission for the Standardization of Screw Threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers. (July 18, 1918, c. 156, § 1, 40 Stat. 912, amended, March 3, 1919, c. 96, 40 Stat. 1291.)

This section was amended by Act March 3, 1919, c 96, § 1, cited above, to read as set forth above. This amendment consisted in striking out the words "two commissioned officers of the Army," and inserting in lieu thereof the words "two representatives of the Army," and in striking out the words "two commissioned officers of the Navy," and inserting in lieu thereof the words "two representatives of the Navy"

§ 8907v. Same; standards determined; use of—It shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments. (July 18, 1918, c. 156, § 2, 40 Stat. 913, amended, March 3, 1919, c. 96, 40 Stat. 1291.)

This section was amended by Act March 3, 1919, c. 96, § 2, cited above. No change was made by the amendment.

§ 8907vv. Same; standards; promulgation—The Secretary of Commerce shall promulgate such

standards for use by the public and cause the same to be published as a public document (July 18, 1918, c 156, § 3, 40 Stat 913, amended, March 3, 1919, c. 96, 40 Stat 1291)

This section was amended by Act March 3, 1919, c 96, § 3, cited above No change was made by the amendment

§ 8907w. Same; commission; compensation—The commission shall serve without compensation, but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards (July 18, 1918, c 156, § 4, 40 Stat 913, amended, March 3, 1919, c. 96, 40 Stat 1291)

This section was amended by Act March 3, 1919, c 96, § 4, cited above No change was made by the amendment

§ 8907ww. Same; commission; rules and regulations—The commission may adopt rules and regulations in regard to its procedure and the conduct of its business (July 18, 1918, c 156, § 5, 40 Stat 913, amended, March 3, 1919, c. 96, 40 Stat. 1291)

This section was amended by Act March 3, 1919, c 96, § 5, cited above No change was made by the amendment

§ 8907x. Same; commission; termination—The commission shall cease and terminate at the end of one year and six months from the date of its original appointment (July 18, 1918, c. 156, § 6, 40 Stat. 913, amended, March 3, 1919, c. 96, 40 Stat. 1291)

This section was amended by Act March 3, 1919, c 96, § 6, cited above, to read as set forth above This amendment consisted in extending the life of the commission from six months to one year and six months

§ 8907y. Same; commission; extension of—The term of the National Screw Thread Commission, created by an Act approved July 18, 1918, as amended by an Act approved March 3, 1919, is hereby extended for a period of five years from March 21, 1922 (March 21, 1922, c. 113, 42 Stat. 469.)

This is a resolution entitled a "Joint resolution extending the term of the National Screw Thread Commission for a period of five years from March 21, 1922," cited above Res March 23, 1920, c 106, 41 Stat 536, extended the term of the Commission for an additional period of two years from March 21, 1920.

TITLE LVI J—LABOR

Chapter D—Compensation for Injuries to Employés of United States

§ 8932jj. Time for making claims—All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. If the disability or death was the result of an injury sustained during the period of the Great War, and arising out of conditions due to the war, the commission may for any reasonable cause shown allow original claims of civilian employees of the Expeditionary Forces of the United States serving outside of the territory of the United States to be made at any time within one year after the passage of this Act. (Sept. 7, 1916, c. 458, § 20, 39 Stat. 747, amended, June 13, 1922, c. 219, 42 Stat. 650.)

This section was amended by Act June 13, 1922, c. 219, 42 Stat 650, cited above, by adding thereto the last sentence as set forth above.

§ 8932nn.

For current appropriation for Employees' Compensation Commission, see Act March 3, 1925, c 468, § 1, 43 Stat 1201 Section 2 of said act reads as follows "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law"

§ 8932s. Findings and award by commission; review—If the original claim for compensation has been made within the time specified in section 20, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the finding of facts in, and the decision of the commission upon, the merits of any claim presented under or authorized by this Act if supported by competent evidence shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States. Any award heretofore made by the Compensation Commission, under the Act of September 7, 1916, for disability or death resulting from a personal injury sustained prior to the passage of this Act, shall be valid, if such award would be valid if made in respect to an injury sustained after the passage of this Act. (Sept. 7, 1916, c. 458, § 37, 39 Stat. 749, amended, June 5, 1924, c. 261, § 1, 43 Stat. 389)

This section was amended by Act June 5, 1924, c 261, § 1, cited above, by adding all the matter as set forth above after the first sentence.

§ 8932tt. Terms defined—Wherever used in this Act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

The term "injury" includes, in addition to injury by accident, any disease proximately caused by the employment.

The term "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: Provided, however, That this shall not in any way reduce the amount of the monthly compensation payable in case of disability or death. (Sept. 7, 1916, c. 458, § 40, 39 Stat. 750, amended, June 5, 1924, c. 261, § 2, 43 Stat. 389)

This section was amended by Act June 5, 1924, c 261, § 2, cited above, by adding the last two paragraphs as set forth above.

§ 8932uuu. Transfer of administration of act as concerning employees of Alaska railroad—The President may, from time to time, transfer the ad-

ministration of the Injury Compensation Act of September 7, 1916, so far as employees of the Alaska Railroad are concerned, to the officer designated by him as the successor of the chairman of the Alaskan Engineering Commission, including the powers and duties of the chairman of said commission, provided in section 42 of said Act; in which case the payments authorized in said section to be made out of appropriations for the Alaskan Engineering Commission shall be made out of appropriations for the Alaska Railroad, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund. (March 4, 1925, c. 561, § 5, 43 Stat. 1356.)

This section is section 5 of a resolution entitled a "Joint Resolution for the relief of special disbursing agents of the Alaska Engineering Commission, authorizing the payment of certain claims, and for other purposes, affecting the management of the Alaska Railroad," cited above

§ 8932v. Act applicable to employés of District of Columbia—All of the provisions of the Act of Congress approved September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," are hereby extended to employees of the government of the District of Columbia so far as they may be applicable, except to those members of the police and fire departments of the District of Columbia who are pensioned or pensionable under the provisions of the District of Columbia Appropriation Act approved September 1, 1916. Such compensation as the commission provided for in said Act may award to employees of the government of the District of Columbia shall be paid in the manner provided by law for the payment of the general expenses of the government of the District of Columbia. For carrying out the provisions of this section, there is appropriated $5,000; and the Commissioners of the District of Columbia shall submit annually to Congress, through the Secretary of the Treasury, estimates of appropriations necessary for the foregoing purpose. (July 11, 1919, c. 7, § 11, 41 Stat. 104.)

This section is § 11 of the agricultural appropriation act for the fiscal year 1920, cited above.

§ 8932w. Compensation paid to employees of United States Shipping Board Emergency Fleet Corporation—The compensation heretofore or hereafter paid by the United States Shipping Board Emergency Fleet Corporation to or on account of employees for disability or death resulting from personal injuries sustained while in the performance of their duties shall be in full satisfaction of the claims of such employees or their legal representatives against the United States. (Dec 24, 1919, c. 17, 41 Stat. 377.)

This is a provision of an act entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the Employees' Compensation Commission, the Bureau of War Risk Insurance, and the Public Health Service for the fiscal year ending June 30, 1920," cited above.

Chapter E—Vocational Rehabilitation of Persons Injured in Industry

The provisions of the act for the vocational rehabilitation of persons disabled in industry, etc., and amendatory and supplementary acts, are extended to the Territory of Hawaii by Act March 10, 1924, c. 46, § 5, ante, § 3746b⅝.

§ 8932¼. Appropriations for use of States for vocational rehabilitation of persons injured in industry or occupation; allotment of appropriation—In order to provide for the promotion of vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this Act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for each of the fiscal years ending June 30, 1925, June 30, 1926, and June 30, 1927, and thereafter for a period of three years, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population in the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: Provided, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby authorized to be appropriated for the fiscal years ending June 30, 1925, 1926, and 1927, the sum of $34,000, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section (June 2, 1920, c. 219, § 1, 41 Stat. 735, amended, June 5, 1924, c. 265, 43 Stat. 431)

This section, and the 12 sections next following, are an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," cited above, as amended

This section was amended by Act June 5, 1924, c. 265, cited above, by making the appropriation for the fiscal years 1925, 1926, and 1927, and for three years thereafter, instead of for the fiscal years 1921 and 1922 and two years thereafter.

§ 8932¼a. Conditions precedent to and limitations on expenditure of appropriations made by preceding section; civil employees of United States to receive benefits of act—All moneys expended under the provisions of this Act from appropriations authorized by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: Provided, That no portion of the appropriations authorized by this Act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this Act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study, (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees, (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this Act; (4) that no portion of any moneys authorized to be appropriated by this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty. (June 2, 1920, c. 219, § 1, 41 Stat. 735, amended, June 5, 1924, c. 265, 43 Stat. 431)

This section was amended by Act June 5, 1924, c. 265, cited above, to read as set forth above. Prior to this amendment this section read as follows: "All moneys expended under the provisions of this Act from appropriations provided by section 1 shall be upon the condition

(1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose Provided, That no portion of the appropriation made by this Act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this Act as shall be determined by the Federal board, (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used, (b) the plan of administration and supervision, (c) courses of study, (d) methods of instruction, (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees, (f) plans for the training of teachers, supervisors, and directors, (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this Act, (4) that no portion of any moneys appropriated by this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands, (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty"

See note to § 8932¼, ante

§ 8932¼b. **Definitions**—For the purpose of this Act the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation, the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation. (June 2, 1920, c. 219, § 2, 41 Stat. 735.)

See note to § 8932¼, ante.

§ 8932¼c. **Acts required of States to secure benefits of appropriations**—In order to secure the benefits of the appropriations authorized by section 1, any State shall, through the legislative authority thereof, (1) accept the provisions of this Act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this Act, (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency and the State board charged with the administration of this Act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this Act; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations: Provided, That any State which, prior to June 30, 1924, has accepted and otherwise complied with the provisions of the Act of June 2, 1920, shall be deemed to have accepted and complied with the provisions of this amendment to said Act. (June 2, 1920, c 219, § 3, 41 Stat. 736, amended, June 5, 1924, c. 265, 43 Stat. 431.)

This section was amended by Act June 5, 1924, c. 265, cited above, to read as set forth above. Prior to this amendment the section read as follows: "In order to secure the benefits of the appropriations provided by section 1 any State shall, through the legislative authority thereof, (1) accept the provisions of this Act, (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this Act, (3) in those States where a State workmen's compensation board, or other State board, department, or agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency, and the State board charged with the administration of this Act, such plan to be effective when approved by the governor of the State, (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this Act, (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations. In any State the legislature of which does not meet in regular session between the date of the passage of this Act and December 31, 1920, if the governor of that State shall accept the provisions of this Act, such State shall be entitled to the benefits of this Act until the legislature of such State meets in due course and has been in session sixty days"

See note to § 8932¼, ante.

§ 8932¼d. **Federal Board for Vocational Education; cooperation with State boards; rules and regulations made by**—The Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this Act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this Act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this Act, with such public and private agencies as it may deem advisable. (June 2, 1920, c. 219, § 4, 41 Stat. 736.)

See note to § 8932¼, ante.

§ 8932¼e. **Same; further powers and duties of Federal Board; deductions from or withholding allotments to States**—It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this Act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this Act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this Act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this Act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this Act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this Act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this Act that by any action or contingency is diminished or lost: Provided, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not, within one year from the time of said appeal, direct such sum to be paid, it shall be covered into the Treasury. (June 2, 1920, c. 219, § 4, 41 Stat. 736.)

See note to § 8932¼, ante.

§ 8932¼f. **Payment of allotments to States; disbursement by States**—The Secretary of the

Treasury, upon the certification of the Federal board as provided in this Act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this Act The money so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board. (June 2, 1920, c. 219, § 5, 41 Stat 736.)

See note to § 8932¼, ante

§ 8932¼g. Report by Federal Board to Congress—The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this Act and shall include in such report the reports made by the State boards on the administration of this Act by each State and the expenditure of the money allotted to each State. (June 2, 1920, c. 219, § 5, 41 Stat. 737.)

See note to § 8932¼, ante

§ 8932¼h. Appropriation for use of Federal Board—There is hereby authorized to be appropriated to the Federal Board for Vocational Education the sum of $75,000 annually for a period of three years, commencing July 1, 1924, for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this Act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses. (June 2, 1920, c. 219, § 6, 41 Stat. 737, amended, June 5, 1924, c. 265, 43 Stat. 432.)

This section was amended by Act June 5, 1924, c. 265, cited above, to read as set forth above Prior to this amendment the section read as follows: "There is hereby appropriated to the Federal Board for Vocational Education the sum of $75,000 annually for a period of four years for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this Act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses."

The following was omitted from this section by the amendment cited above: "No salaries shall be paid out of the fund provided in this section in excess of the following amounts: At the rate of $5,000 per annum, to not more than one person; at the rate of $4,000 per annum each, to not more than four persons; at the rate of $3,500 per annum each, to not more than five persons; and no other employee shall receive compensation at a rate in excess of $3,500 per annum: Provided, That no person receiving compensation at less than $3,500 per annum shall receive in excess of the amount of compensation paid in the regular departments of the Government for like or similar services."

See note to § 8932¼, ante. See, also, post, § 8932¼l.

§ 8932¼i. Same; report of expenditure of—A full report of all expenses under this section, including names of all employees and salaries paid them, traveling expenses and other expenses incurred by each and every employee and by members of the board, shall be submitted annually to Congress by the board. (June 2, 1920, c 219, § 6, 41 Stat. 737, amended, June 5, 1924, c. 265, 43 Stat. 432.)

This amendment is effective July 1, 1924
This section was amended by Act June 5, 1924, c 265, cited above No change was made by such amendment
See note to § 8932¼, ante

§ 8932¼j. Gifts and donations to Federal Board—The Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

See note to § 8932¼, ante

§ 8932¼k. Same; to constitute "special fund for vocational rehabilitation of disabled persons"; use of—All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

See note to § 8932¼, ante.

§ 8932¼l. Same; report of; discrimination against persons entitled to benefits of act—A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board: Provided, That no discrimination shall be made or permitted for or against any person or persons who are entitled to the benefits of this Act because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of $200 for every violation thereof. (June 2, 1920, c. 219, § 7, 41 Stat. 737.)

See note to § 8932¼, ante.

TITLE LVII—PENSIONS

§ 8963a. Increase; loss of hand, foot, arm, leg, or eyes; amounts—From and after the approval of this Act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month; and that all persons who, in such service and in like manner, shall have

lost both eyes, or been totally disabled in the same or who, in such service and in like manner, sustained injuries that proved the direct cause of the subsequent total loss of the sight of both eyes, shall receive a pension at the rate of $100 per month (June 5, 1920, c 245, § 3, 41 Stat. 982)

See post, § 8985c, and notes thereunder.

§ 8972b. Service pensions to persons serving in Army, Navy, or Marine Corps during Civil War or War with Mexico; amount—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, or is now upon the pension rolls as a Civil War veteran, and every person who served sixty days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now in receipt of, or entitled to receive under existing law, a pension of less than $50 per month, shall, from and after the passage of this Act, be entitled to and shall be paid a pension at the rate of $50 per month. (May 1, 1920, c. 165, § 1, 41 Stat. 585)

This section, and the 7 sections next following, are an act entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War and the War with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain army nurses, and granting pensions and increase of pensions in certain cases," cited above

§ 8972c. Same; persons helpless or blind; amount—Every person who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged therefrom, or who, having so served less than ninety days, was discharged for a disability incurred in the service and in the line of duty, or is now upon the pension rolls as a Civil War veteran, and every person who served sixty days or more in the War with Mexico, or on the coasts or frontier thereof, or en route thereto, during the war with that nation, and was honorably discharged therefrom, and who is now, or hereafter may become, by reason of age and physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular personal aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $72 per month. (May 1, 1920, c. 165, § 2, 41 Stat. 586.)

See note to § 8972b, ante.

§ 8972d. Same; persons having lost arms, legs, hands, or feet; amount—From and after the approval of this Act all persons whose names are on the pension roll, and who, while in the service of the United States in the Army, Navy, or Marine Corps during the Civil War, and in the line of duty, shall have lost one hand or one foot or been totally disabled in the same, shall receive a pension at the rate of $60 per month; that all persons who, in such service and in like manner, shall have lost an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of $65 per month; that all persons who, in such service and in like manner shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where the same is in such condition as to prevent the use of an artificial limb, shall receive a pension at the rate of $72 per month; and that all persons who, in such service and in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of $90 per month. (May 1, 1920, c 165, § 3, 41 Stat. 586)

See note to § 8972b, ante

§ 8972e. Same; widows and children; amount; widows of War of 1812—The widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for ninety days or more, and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, anno Domini 1905, shall be entitled to and shall be paid a pension at the rate of $30 per month And this section shall apply to a former widow of any person who served for ninety days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged from such service, or who, having so served for less than ninety days was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has, or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $30 per month; and any widow as mentioned in this section, shall also be paid $6 per month for each child of such officer or enlisted man under the age of sixteen years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen years: Provided, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute: And provided further, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of sixteen years, she shall not be entitled to renewal of pension under this Act until that pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease: And provided further, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for sixty days or more in the War with Mexico, on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be $30 per month. (May 1, 1920, c. 165, § 4, 41 Stat. 586.)

See note to § 8972b, ante.

§ 8972f. Same; nurses and dependent parents of persons serving in Civil War; amount—All Army nurses of the Civil War and all dependent parents of any officer or enlisted man who served in the Civil War whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $30 per month. (May 1, 1920, c. 165, § 5, 41 Stat. 587.)

See note to § 8972b, ante.

§ 8972g. Same; time of commencement of pensions provided for—The pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided, from the date of the approval of this Act, or under section 2 hereof, when the requisite condition is shown to exist after the approval of this Act, and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to pension under the provisions of this Act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior Provided, That as to any former widow as mentioned in section 4 hereof, who since the death of her soldier, sailor, or marine husband has remarried either once or more than once, and such subsequent or successive marriage has been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife, and who filed her application for pension under the Act of September 8, 1916, her pension shall commence from the date when her original application was filed under that Act in the Bureau of Pensions, and shall be at the rate in that Act provided, with increase at the rate or rates subsequently provided for the widows of Civil War soldiers, sailors, and marines, and by this Act from the date or dates when any such subsequent Act or Acts took effect or may hereafter take effect, it being the intent and purpose to give to any such widow the same status as other widows of Civil War soldiers, sailors, and marines who have not remarried, and from the date of said Act of September 8, 1916 (May 1, 1920, c. 165, § 6, 41 Stat 587.)

See note to § 8972b, ante

§ 8972h. Same; pensions payable to persons on Army and Naval Medal of Honor Roll not diminished—Nothing in this Act contained shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided in the Act of April 27, 1916, but any increase herein provided for shall be in addition thereto, and no pension heretofore granted under any Act, public or private, shall be reduced by anything contained in this Act. (May 1, 1920, c. 165, § 7, 41 Stat. 587.)

See note to § 8972b, ante.

§ 8972i. Same; claim agents or attorneys; punishment—No claim agent or attorney or other person shall be recognized in the adjustment of claims under this Act, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (May 1, 1920, c. 165, § 8, 41 Stat. 588.)

See note to § 8972b, ante.

§ 8981e. [Saved from repeal.]

This section (Act Sept 2, 1914, c. 293, § 314, added by Act Oct 6, 1917, c 105, § 2, 40 Stat 408) is saved from the repeal of said Act Sept. 2, 1914, c 293, and said Act Oct. 6, 1917, c 105, by Act June 7, 1924, c. 320, §§ 600, 601. See post, §§ 9127½—600, 9127¼—601.

§ 8985a. Widows and children of officers and enlisted men serving in Spanish war, Philippine insurrection, or Chinese Boxer rebellion—From and after the passage of this Act if any volunteer officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States, during the War with Spain or the Philippine insurrection, between April twenty-first, eighteen hundred and ninety-eight, and July fourth, nineteen hundred and two, inclusive, service to be computed from date of enlistment to date of discharge, or any officer or enlisted man of the Regular Establishment who rendered ninety days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection between April twenty-first, eighteen hundred and ninety-eight, and July fourth, nineteen hundred and two, inclusive, or as a participant in the Chinese Boxer rebellion campaign between June sixteenth, nineteen hundred, and October first, nineteen hundred, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of sixteen years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this Act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: Provided, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this Act: Provided further, That said widow shall have married said officer or enlisted man previous to the passage of this Act: Provided, however, That this Act shall not be so construed as to reduce any pension under any Act, public or private (July 16, 1918, c. 153, § 1, 40 Stat. 903.)

This section, and the section next following, are an act entitled "An act to pension widows and minor children of officers and enlisted men who served in the war with Spain, Philippine insurrection, or in China," cited above

§ 8985b. Same; claim agents and attorneys—No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (July 16, 1918, c. 153, § 2, 40 Stat 904.)

See note to § 8985a.

§ 8985c. Service pensions to persons serving in military or naval service during war with Spain, Philippine insurrection, and China relief expedition; disability pensions; amount; commencement and duration—All persons who served ninety days or more in the military or naval service

of the United States during the War with Spain, the Philippine insurrection, and the China relief expedition, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $30 per month and not less than $12 per month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this Act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same. (June 5, 1920, c. 245, § 1, 41 Stat 982)

This section, and the five sections next following, are sections 1 and 2 of an act entitled "An act to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China relief expedition," cited above Section 3 of this act is set forth ante, § 8963a

§ 8985d. Same; disability pensions coupled with age; amounts—Any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $12 per month. In case such person has reached the age of 68 years, $18 per month, in case such person has reached the age of 72 years, $21 per month, and in case such person has reached the age of 75 years, $30 per month. (June 5, 1920, c 245, § 1, 41 Stat. 982)

See note to § 8985c, ante.

§ 8985e. Same; disability pensions; persons already receiving pensions—Persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act. (June 5, 1920, c. 245, § 1, 41 Stat. 982.)

See note to § 8985c, ante

§ 8985f. Same; disability pensions; double pensions—No person shall receive more than one pension for the same period. (June 5, 1920, c. 245, § 1, 41 Stat. 982.)

See note to § 8985c, ante.

§ 8985g. Same; disability pensions; rank not considered—Rank in the service shall not be considered in applications filed under this Act. (June 5, 1920, c. 245, § 1, 41 Stat 982.)

See note to § 8985c, ante.

§ 8985h. Same; disability pensions; claim agents or attorneys; punishment—No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this Act, shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $20, which sum shall be payable only upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. (June 5, 1920, c 245, § 2, 41 Stat. 982)

See note to § 8985c, ante.

§ 8985i. Widows and children of officers and enlisted men serving in Spanish War, Chinese Boxer rebellion, or Philippine insurrection; amount—The widow of any officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the War with Spain, the Chinese Boxer rebellion, or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service and line of duty, such widow having married such soldier, sailor, or marine prior to the passage of this Act, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this Act, at the rate of $20 per month during her widowhood And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described, and who was honorably discharged, or died in service due to disability or disease incurred in the service, such widow having remarried either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands, or by divorce without fault on the part of the wife; and any such former widow shall be entitled to and be paid a pension at the rate of $20 per month; and any widow or former widow as mentioned in this section shall also be paid $4 per month for each child of such officer or enlisted man under the age of sixteen years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen years' Provided, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute: Provided further, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, or otherwise helpless child or to a child or children under the age of sixteen years, she shall not be entitled to renewal of pension under this Act until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon renewal of pension to such widow, payment of pension to such child or children shall cease. (Sept. 1, 1922, c. 302, § 1, 42 Stat. 834)

This section, and the five sections next following, are §§ 1-5, 7, of Act Sept. 1, 1922, c. 302, cited above, entitled "An act granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors, and to certain Army nurses, and to amend section 2 of an Act entitled 'An Act to pension the survivors of certain Indian

wars from January 1, 1859, to January, 1891, inclusive, and for other purposes,' approved March 4, 1917."
Section 6 amends Act March 4, 1917, c 189, § 2, post, § 9067b

§ 8985j. Act June 5, 1920, c. 245, extended to women nurses serving in war with Spain; dependent parents of officers or enlisted men serving in Spanish War, Chinese Boxer rebellion, or Philippine insurrection—The benefits of the Act of Congress approved June 5, 1920, entitled "An Act to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China relief expedition," be, and are hereby, extended to include any woman who served honorably as an Army nurse, chief nurse, or superintendent of the Nurse Corps, under contract for ninety days or more between the beginning of the War with Spain and February 2, 1901, when the Nurse Corps (female) was declared by law a component part of the Army, and any such nurse who was released from service before the expiration of ninety days because of disability contracted in line of duty in said service: Provided, That the release from service of any nurse, chief nurse, or superintendent shall operate as if she had received an honorable discharge, it being the intent and purpose to give to said nurses, chief nurses, and superintendents of the Nurse Corps (female) the same status in all respects as members of said corps who served after February 2, 1901: Provided, That no person shall receive more than one pension for the same period: Provided further, That all dependent parents of any officer or enlisted man who served in the War with Spain, the Philippine insurrection, or the Chinese Boxer rebellion, whose names are now on the pension roll, or who are now entitled to pension under any existing law, shall be entitled to and shall be paid a pension at the rate of $20 per month. (Sept. 1, 1922, c 302, § 2, 42 Stat 835.)

See note to § 8985i, ante.

§ 8985k. Pension for total disability; amount—From and after the approval of this Act, all persons whose names are on the pension roll and all persons hereafter granted a pension, who while in the military or naval service of the United States under the provision of this Act and all other Acts relating to pensions of soldiers who served in the War with Spain, the Philippine insurrection, or the Chinese Boxer rebellion and in line of duty shall have lost both hands or both feet or been totally disabled therein, or who while in such service and in like manner sustained injuries that proved the direct cause of the subsequent total disability of both hands or both feet, shall receive a pension at the rate of $100 per month. (Sept. 1, 1922, c. 302, § 3, 42 Stat. 835.)

See note to § 8985i, ante.

§ 8985l. Commencement and rate of pensions—The pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided from the date of the approval of this Act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of pension under existing law, but who may be entitled to pension under the provisions of this Act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior. (Sept. 1, 1922, c. 302, § 4, 42 Stat. 835.)

See note to § 8985i, ante.

§ 8985m. Claims for pensions—In the adjudication of claims arising under section 1 of this Act, and claims arising under the provisions of the Act entitled "An Act to pension soldiers and sailors of the War with Spain, the Philippine insurrection, and the China Relief Expedition," approved June 5, 1920, all leaves of absence, and furloughs under General Orders, Numbered One hundred and thirty, August 29, 1898, War Department, shall be included in determining the period of pensionable service: Provided, That as to any claimant who filed an application for pension under the Act of July 16, 1918, or the Act of June 5, 1920, and whose application is still pending in the Bureau of Pensions or has been rejected on the ground that ninety days' service was not shown exclusive of the leave of absence or furlough under the order herein referred to, the pension shall commence from the date when the original application was filed in the Bureau of Pensions, and as to claims under the Act of July 16, 1918, the pension shall be at the rate provided in that Act, with increase at the rate provided herein from the date of the approval of this Act: Provided further, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein shall be so construed as to prevent any pensioner thereunder from prosecuting his claim under any other general or special Act: And provided further, That this Act shall not be so construed as to reduce any pension under any Act, public or private: Provided, however, That no person shall receive more than one pension for the same period. (Sept. 1, 1922, c. 302, § 5, 42 Stat 835.)

See note to § 8985i, ante

§ 8985n. Claim agents or attorneys; amount of compensation; punishment—That no claim agent or attorney or other person shall be recognized in the adjustment of claims under this Act except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for services in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of Pensions, and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension allowed or due to such pensioner or claimant under this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court. (Sept. 1, 1922, c. 302, § 7, 42 Stat. 836)

See note to § 8985i, ante.

§ 9067b. Officers and men of Indian wars and widows; period of service—The period of service performed by beneficiaries under this Act shall be determined. First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the Treasury Department showing payment by the United States, where there is no record of regular enlistment or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the Treasury Department, by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the beneficiary or same has been destroyed by fire or otherwise lost, and no record of service has been made in the War Department or Treasury Department, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions: Provided, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act. (March 4, 1917, c.

189, § 2, 39 Stat 1200, amended, Sept 1, 1922, c 302, § 6, 42 Stat. 836)

For this section prior to its amendment by Act Sept 1, 1922, c 302, § 6, see U S Comp St 1918, § 9067b

§ 9087.

The Interior Department appropriation act for the year 1926, Act March 3, 1925, c 462, 43 Stat 1164, contains the following

"Pension Office Pensions Army and Navy pensions, as follows. For invalids, widows, minor children, and dependent relatives Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all Acts of Congress, $197,000,000 Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose· Provided further, That the amount expended under each of the above items shall be accounted for separately."

§ 9101b. Examining surgeons; fees; mileage—Hereafter each duly designated examining surgeon, except expert and foreign surgeons, and each member of a board of examining surgeons, appointed by the Commissioner of Pensions for the examination of pensioners and claimants for pension or increased pension, shall receive the sum of $3 for each examination and satisfactory report thereof Provided, however, That the fee for each examination made by an examining surgeon at a claimant's residence for use in a pension claim shall be $5, and in lieu of actual traveling expenses there shall be paid the sum of 20 cents per mile for the distance actually and necessarily traveled, not exceeding the distance by the usually traveled route from the surgeon's office to the claimant's home and return. Provided further, That no fee shall be paid to any member of an examining board unless he is personally present and assists in the examination of the claimant· And provided further, That the report shall specifically and accurately set forth the physical condition of the claimant and include a full description of every existing disability. (Sept. 22, 1922, c. 417, § 1, 42 Stat 1030.)

This section is section 1 of an act entitled "An act fixing the fees of the examining surgeons in the Bureau of Pensions," cited above. Section 2 of said act repeals all conflicting laws and parts of laws.

§ 9107a. Pensions payable monthly—Payment of pensions shall be made monthly, on the fourth day of each month, beginning not later than September, 1922: Provided, That the provisions of this Act shall not apply to civil pensions. (May 3, 1922, c. 177, § 1, 42 Stat 505.)

This section is an act entitled "An act to provide for the monthly payment of pensions," cited above. Section 2 of said act repeals all inconsistent acts or parts of acts.

§ 9120a. Payments for artificial limbs or resection apparatus—The Surgeon General of the Army is authorized to pay not exceeding $125 for each artificial limb or apparatus for resection furnished in kind hereafter under the provisions of section 4787, Revised Statutes, as amended. (June 5, 1920, c. 235, § 1, 41 Stat. 901.)

From the sundry civil appropriation act for the year 1921, cited above.

TITLE LVII A—ADJUSTED COMPENSATION FOR WORLD WAR VETERANS

This title consists of Act May 19, 1924, c. 157, entitled "An act to provide adjusted compensation for veterans of the World War, and for other purposes."

TITLE I—DEFINITIONS

§ 9127–1. Citation of act—This Act may be cited as the "World War Adjusted Compensation Act." (May 19, 1924, c. 157, § 1, 43 Stat. 121.)

See note to § 9127½-4, post.

§ 9127–2. Definitions—As used in this Act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands, and service afloat, not on receiving ships, including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive,

(c) The term "home service" means all service not oversea service,

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual. (May 19, 1924, c. 157, § 2, 43 Stat. 121.)

TITLE II—ADJUSTED SERVICE CREDIT

§ 9127–201. Computation of amount; maximum—The amount of adjusted service credit shall be computed by allowing the following sums for each day of active service, in excess of sixty days, in the military or naval forces of the United States after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of oversea service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed $500, and the amount of the credit of a veteran who performed any oversea service shall not exceed $625. (May 19, 1924, c. 157, § 201, 43 Stat. 122.)

§ 9127–202. Persons to whom allowances shall not be made—In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder This subdivision shall not apply to any noncommissioned officer;

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet or cadet engineer of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian Scout—in each case for the period of service as such;

(d) Any individual entering the military or naval

forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy,

(g) Any individual granted a farm or industrial furlough—for the period of such furlough;

(h) Any individual detailed for work on roads or other construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, or

(i) Any individual who was discharged or otherwise released from the draft—for the period of service terminating with such discharge or release (May 19, 1924, c 157, § 202, 43 Stat. 122)

§ 9127–203. Allowance to commissioned or warrant officer performing home service not with troops; manner of computing credit to veteran; part oversea and part home service; computation of excluded sixty day period; computation of service of members of National Guard or National Guard Reserve—(a) The periods referred to in subdivision (c) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 307.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is oversea service and part is home service, the home service shall first be used in computing the sixty days' period referred to in section 201.

(d) For the purpose of computing the sixty days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States (May 19, 1924, c. 157, § 203, 43 Stat. 123.)

TITLE III—GENERAL PROVISIONS

BENEFITS GRANTED VETERANS

§ 9127–301. Adjusted service pay; adjusted service certificate—Each veteran shall be entitled:

(1) To receive "adjusted service pay" as provided in Title IV, if the amount of his adjusted service credit is $50 or less;

(2) To receive an "adjusted service certificate" as provided in Title V, if the amount of his adjusted service credit is more than $50. (May 19, 1924, c. 157, § 301, 43 Stat. 123)

APPLICATION BY VETERAN

§ 9127–302. Application for benefits; time for making; by whom made; regulations as to—(a) A veteran may receive the benefits to which he is entitled by filing an application claiming the benefits of this Act with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces

(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe An application made by a representative other than one authorized by any such regulation shall be held void

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section. (May 19, 1924, c. 157, § 302, 43 Stat. 123.)

TRANSMITTAL OF APPLICATION

§ 9127–303. Transmittal of application to Director of United States Veterans' Bureau; certificate accompanying—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director of the United States Veterans' Bureau (hereinafter in this Act referred to as the "Director") the application and a certificate setting forth—

(1) That the applicant is a veteran;

(2) His name and address,

(3) The date and place of his birth; and

(4) The amount of his adjusted service credit together with the facts of record in his department upon which such above conclusions are based.

(b) Upon receipt of such certificate the Director shall proceed to extend to the veteran the benefits provided for in Title IV or V. (May 19, 1924, c. 157, § 303, 43 Stat. 124.)

PUBLICITY

§ 9127–304. Publication of digest of and information relating to act—(a) The Director shall, as soon as practicable after the enactment of this Act, prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this Act; and shall from time to time thereafter prepare and publish such additional or supplementary information as may be found necessary

(b) The publications provided for in subdivision (a) shall be distributed in such manner as the Director may determine to be most effective to inform veterans and their dependents of their rights under this Act. (May 19, 1924, c. 157, § 304, 43 Stat. 124.)

STATISTICS

§ 9127–305. Lists of veterans with amounts of credits; payments by disbursing officers in accordance with—Immediately upon the enactment of this Act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2, and, as to each veteran, the number of days of oversea service and of home

service, as defined in section 2, for which he is entitled to receive adjusted service credit, and their findings shall not be subject to review by the General Accounting Office, and payments made by disbursing officers of the United States Veterans' Bureau made in accordance with such findings shall be passed to their credit. (May 19, 1924, c. 157, § 305, 43 Stat. 124.)

ADMINISTRATIVE REGULATIONS

§ 9127–306. Persons who may make regulations—Any officer charged with any function under this Act shall make such regulations, not inconsistent with this Act, as may be necessary to the efficient administration of such function. (May 19, 1924, c. 157, § 306, 43 Stat. 124.)

REPORTS

§ 9127–307. Administrative reports to Congress—Any officer charged with the administration of any part of this Act shall make a full report to Congress on the first Monday of December of each year as to his administration thereof. (May 19, 1924, c. 157, § 307, 43 Stat. 124.)

EXEMPTION FROM ATTACHMENT AND TAXATION

§ 9127–308. Benefits exempt from seizure under process and taxation—No sum payable under this Act to a veteran or his dependents, or to his estate, or to any beneficiary named under Title V, no adjusted service certificate, and no proceeds of any loan made on such certificate, shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation. (May 19, 1924, c. 157, § 308, 43 Stat. 125.)

UNLAWFUL FEES

§ 9127–309 Unlawful fees for services rendered; punishment—Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran or his dependents in obtaining any of the benefits, privileges, or loans to which he is entitled under the provisions of this Act shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than one year, or both. (May 19, 1924, c. 157, § 309, 43 Stat. 125.)

TITLE IV—ADJUSTED SERVICE PAY

§ 9127–401. To whom payable—There shall be paid to each veteran by the Director (as soon as practicable after receipt of an application in accordance with the provisions of section 302, but not before March 1, 1925), in addition to any other amounts due such veteran in pursuance of law, the amount of his adjusted service credit, if, and only if, such credit is not more than $50. (May 19, 1924, c. 157, § 401, 43 Stat. 125.)

§ 9127–402. Assignment; to whom payable—No right to adjusted service pay under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void. Except as provided in Title VI, the Director shall not pay the amount of adjusted service pay to any person other than the veteran or such representative of the veteran as he shall by regulation prescribe. (May 19, 1924, c. 157, § 402, 43 Stat. 125.)

TITLE V—ADJUSTED SERVICE CERTIFICATES

§ 9127–501 Amounts; time when certificates become operative; naming and changing beneficiaries; to whom and when payable—The Director upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 303, is hereby directed to issue without cost to the veteran designated therein a non-participating adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the amount in dollars of 20-year endowment insurance that the amount of his adjusted service credit increased by 25 per centum would purchase, at his age on his birthday nearest the date of the certificate, if applied as a net single premium, calculated in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually. The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect, as of the 1st day of the month in which the application is filed, but in no case before January 1, 1925. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Director, change such beneficiary. The amount of the face value of the certificate (except as provided in subdivisions (c), (d), (e), and (f) of section 502) shall be payable out of the fund created by section 505 (1) to the veteran twenty years after the date of the certificate, or (2) upon the death of the veteran prior to the expiration of such twenty-year period, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran. If the veteran dies after making application under section 302, but before January 1, 1925, then the amount of the face value of the certificate shall be paid in the same manner as if his death had occurred after January 1, 1925. (May 19, 1924, c. 157, § 501, 43 Stat. 125.)

LOAN PRIVILEGES

§ 9127–502. Loans on adjusted service certificates; when and by whom made; amounts; interest; sale, discount, or rediscount of notes secured by certificates; payment of loans; redemption of certificates by Director of United States Veterans' Bureau; redemption by veteran; death of veteran before or after maturity of loan; loan basis of certificates; payments on loans by Director to banks; fees by bank officers in making loans—(a) A loan may be made to a veteran upon his adjusted service certificate only in accordance with the provisions of this section.

(b) Any national bank, or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia (hereinafter in this section called "bank"), is authorized, after the expiration of two years after the date of the certificate, to loan to any veteran upon his promissory note secured by his adjusted service certificate (with or without the consent of the beneficiary thereof) any amount not in excess of the loan basis (as defined in subdivision (g) of this section) of the certificate. The rate of interest charged upon the loan by the bank shall not exceed, by more than 2 per centum per annum, the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal Reserve Act by the Federal reserve bank for the Federal reserve district in which the bank is located. Any bank holding a note for a loan under this section secured by a

certificate (whether the bank originally making the loan or a bank to which the note and certificate have been transferred) may sell the note to, or discount or rediscount it with, any bank authorized to make a loan to a veteran under this section and transfer the certificate to such bank. Upon the indorsement of any bank, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations to be prescribed by the Federal Reserve Board, any such note secured by a certificate and held by a bank shall be eligible for discount or rediscount by the Federal reserve bank for the Federal reserve district in which the bank is located Such note shall be eligible for discount or rediscount whether or not the bank offering the note for discount or rediscount is a member of the Federal Reserve System and whether or not it acquired the note in the first instance from the veteran or acquired it by transfer upon the indorsement of any other bank. Such note shall not be eligible for discount or rediscount unless it has at the time of discount or rediscount a maturity not in excess of nine months exclusive of days of grace. The rate of interest charged by the Federal reserve bank shall be the same as that charged by it for the discount or rediscount of 90-day notes drawn for commercial purposes The Federal Reserve Board is authorized to permit, or on the affirmative vote of at least five members of the Federal Reserve Board to require, a Federal reserve bank to rediscount, for any other Federal reserve bank, notes secured by a certificate. The rate of interest for such rediscounts shall be fixed by the Federal Reserve Board. In case the note is sold, discounted, or rediscounted the bank making the transfer shall promptly notify the veteran by mail at his last known post-office address.

(c) If the veteran does not pay the principal and interest of the loan upon its maturity, the bank holding the note and certificate may, at any time after maturity of the loan but not before the expiration of six months after the loan was made, present them to the Director The Director may, in his discretion, accept the certificate and note, cancel the note (but not the certificate), and pay the bank, in full satisfaction of its claim, the amount of the unpaid principal due it, and the unpaid interest accrued, at the rate fixed in the note, up to the date of the check issued to the bank The Director shall restore to the veteran, at any time prior to its maturity, any certificate so accepted, upon receipt from him of an amount equal to the sum of (1) the amount paid by the United States to the bank in cancellation of his note, plus (2) interest on such amount from the time of such payment to the date of such receipt, at 6 per centum per annum, compounded annually.

(d) If the veteran fails to redeem his certificate from the Director before its maturity, or before the death of the veteran, the Director shall deduct from the face value of the certificate (as determined in section 501) an amount equal to the sum of (1) the amount paid by the United States to the bank on account of the note of the veteran, plus (2) interest on such amount from the time of such payment to the date of maturity of the certificate or of the death of the veteran, at the rate of 6 per centum per annum, compounded annually, and shall pay the remainder in accordance with the provisions of section 501.

(e) If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest accrued up to the date of his death shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, the bank holding the note and certificate shall, upon notice of the death, present them to the Director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Director and fails to present the certificate and note to the Director within fifteen days after the notice, such interest shall be only up to the fifteenth day after such notice The Director shall deduct the amount so paid from the face value (as determined under section 501) of the certificate and pay the remainder in accordance with the provisions of section 501

(f) If the veteran has not died before the maturity of the certificate, and has failed to pay his note to the bank or the Federal reserve bank holding the note and certificate, such bank shall, at the maturity of the certificate, present the note and certificate to the Director, who shall thereupon cancel the note (but not the certificate) and pay to the bank, in full satisfaction of its claim, the amount of the unpaid principal and unpaid interest, at the rate fixed in the note, accrued up to the date of the maturity of the certificate. The Director shall deduct the amount so paid from the face value (as determined in section 501) of the certificate and pay the remainder in accordance with the provisions of section 501

(g) The loan basis of any certificate at any time shall, for the purpose of this section, be an amount which is not in excess of 90 per centum of the reserve value of the certificate on the last day of the current certificate year. The reserve value of a certificate on the last day of any certificate year shall be the full reserve required on such certificate, based on an annual level net premium for twenty years and calculated in accordance with the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually

(h) No payment upon any note shall be made under this section by the Director to any bank, unless the note when presented to him is accompanied by an affidavit made by an officer of the bank which made the loan, before a notary public or other officer designated for the purpose by regulation of the Director, and stating that such bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation (except interest as authorized by this section) in respect of any loan made under this section by the bank to a veteran. Any bank which, or director, officer, or employee thereof who, does so charge, collect, or attempt to charge or collect any such fee or compensation, shall be liable to the veteran for a penalty of $100, to be recovered in a civil suit brought by the veteran. The Director shall upon request of any bank or veteran furnish a blank form for such affidavit. (May 19, 1924, c. 157, § 502, 43 Stat. 126)

§ 9127–503. Prohibited negotiations or assignments of certificates—No certificate issued or right conferred under the provisions of this title shall, except as provided in section 502, be negotiable or assignable or serve as security for a loan. Any negotiation, assignment, or loan made in violation of any provision of this section shall be held void. (May 19, 1924, c. 157, § 503, 43 Stat. 128.)

§ 9127–504. Conditions and terms printed on certificates—Any certificate issued under the provisions of this title shall have printed upon its face the conditions and terms upon which it is issued and to which it is subject, including loan values under section 502. (May 19, 1924, c. 157, § 504, 43 Stat. 128.)

ADJUSTED SERVICE CERTIFICATE FUND

§ 9127–505. How constituted; appropriations for—There is hereby created a fund in the Treasury of the United States to be known as "The

Adjusted Service Certificate Fund," hereinafter in this title called "fund." There is hereby authorized to be appropriated for each calendar year (beginning with the calendar year 1925 and ending with the calendar year 1946) an amount sufficient as an annual premium to provide for the payment of the face value of each adjusted service certificate in twenty years from its date or on the prior death of the veteran, such amount to be determined in accordance with accepted actuarial principles and based upon the American Experience Table of Mortality and interest at 4 per centum per annum, compounded annually. The amounts so appropriated shall be set aside in the fund on the first day of the calendar year for which appropriated. The appropriation for the calendar year 1925 shall not be in excess of $100,000,000. (May 19, 1924, c. 157, § 505, 43 Stat. 128.)

§ 9127–506. Investment of fund—The Secretary of the Treasury is authorized to invest and reinvest the moneys in the fund, or any part thereof, in interest-bearing obligations of the United States and to sell such obligations of the United States for the purposes of the fund. The interest on and the proceeds from the sale of any such obligations shall become a part of the fund. (May 19, 1924, c. 157, § 506, 43 Stat. 128.)

§ 9127–507. Fund available for payments—All amounts in the fund shall be available for payment, by the Director, of adjusted service certificates upon their maturity or the prior death of the veteran, and for payments under section 502 to banks on account of notes of veterans. (May 19, 1924, c. 157, § 507, 43 Stat. 128.)

TITLE VI—PAYMENTS TO VETERAN'S DEPENDENTS

ORDER OF PREFERENCE

§ 9127–601. Enumeration of preference of dependents—(a) If the veteran has died before making application under section 302, or, if entitled to receive adjusted service pay, has died after making application but before he has received payment under Title IV, then the amount of his adjusted service credit shall (as soon as practicable after receipt of an application in accordance with the provisions of section 604, but not before March 1, 1925) be paid to his dependents, in the following order of preference:

(1) To the widow or widower if unmarried;

(2) If no unmarried widow or widower, then to the children, share and share alike;

(3) If no unmarried widow or widower, or children, then to the mother;

(4) If no unmarried widow or widower, children, or mother, then to the father.

(b) For the purposes of this section payments made under paragraph (2) of subdivision (g) of section 301 of the War Risk Insurance Act shall not be considered payments made by the United States on account of the death of the veteran. (May 19, 1924, c. 157, § 601, 43 Stat. 128.)

DEPENDENCY

§ 9127–602. Dependent defined—(a) No payment shall be made to any individual under this title unless at the time of the death of the veteran such individual was dependent.

(b) For the purposes of this section:

(1) A child of the veteran shall be presumed to have been dependent upon him at the time of his death if at such time such child was under 18 years of age,

(2) The widow or widower shall be presumed to have been dependent upon the veteran upon showing by them, respectively, the marital cohabitation; the father and mother, respectively, shall submit under oath a statement of the dependency, to be filed with the application. (May 19, 1924, c. 157, § 602, 43 Stat. 129.)

PAYMENT IN INSTALLMENTS,

§ 9127–603. Installments; by whom and to whom made—The payments authorized by section 601 shall be made in ten equal quarterly installments, unless the total amount of the payment is less than $50, in which case it shall be paid on the first installment date. No payments under the provisions of this title shall be made to the heirs or legal representatives of any dependents entitled thereto who die before receiving all the installment payments, but the remainder of such payments shall be made to the dependent or dependents in the next order of preference under section 601. All payments under this title shall be made by the Director. (May 19, 1924, c. 157, § 603, 43 Stat. 129.)

APPLICATION BY DEPENDENT

§ 9127–604. By whom and when made; regulations—(a) A dependent may receive the benefits to which he is entitled under this title by filing an application therefor with the Secretary of War, if the last service of the veteran was with the military forces, or with the Secretary of the Navy, if his last service was with the naval forces.

(b) Applications for such benefits, whether vested or contingent, shall be made by the dependents of the veteran on or before January 1, 1928, except that in case of the death of the veteran during the six months immediately preceding such date the application shall be made at any time within six months after the death of the veteran. Payments under this title shall be made only to dependents who have made application in accordance with the provisions of this subdivision.

(c) An application shall be made (1) personally by the dependent, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the dependent and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be held void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section. (May 19, 1924, c. 157, § 604, 43 Stat. 129.)

TRANSMITTAL OF APPLICATION

§ 9127–605. Certificates accompanying transmittal; contents—(a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Director the application and a certificate setting forth—

(1) The name and address of the applicant;

(2) That the individual upon whom the applicant bases his claim to payment was a veteran;

(3) The name of such veteran and the date and place of his birth; and

(4) The amount of the adjusted service credit of the veteran, together with the facts of record in the department upon which such above conclusions are based.

(b) Upon receipt of such certificate the Director shall proceed to extend to the applicant the benefits provided in this title if the Director finds that the applicant is the dependent entitled thereto. (May 19, 1924, c. 157, § 605, 43 Stat. 130.)

ASSIGNMENTS

§ 9127–606. Assignments void; persons to whom payments shall not be made—No right to payment under the provisions of this title shall be assignable or serve as security for any loan. Any assignment or loan made in violation of the provisions of this section shall be held void The Director shall not make any payments under this title to any person other than the dependent or such representative of the dependent as the Director shall by regulation prescribe (May 19, 1924, c. 157, § 606, 43 Stat. 130)

DEFINITIONS

§ 9127–607. "Dependent," "child," "father," and "mother" defined—As used in this Act—

(a) The term "dependent" means a widow, widower, child, father, or mother,

(b) The term "child" includes (1) a legitimate child; (2) a child legally adopted; (3) a stepchild, if a member of the veteran's household; (4) an illegitimate child, but, as to the father only, if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child; and

(c) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have, for a period of not less than one year, stood in loco parentis to the veteran at any time prior to the beginning of his service. (May 19, 1924, c. 157, § 607, 43 Stat. 130)

TITLE VII—MISCELLANEOUS PROVISIONS

§ 9127–701 Authority of administrative officers; appointment of officers, employees, etc.; expenditures—The officers having charge of the administration of any of the provisions of this Act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this Act and as may be provided for by the Congress from time to time All such appointments shall be made subject to the civil service laws. In all appointments under this section preference shall, so far as practicable, be given to veterans. For the administration of the provisions of this Act, the President may except from the operation of section 4c of the act entitled "An act for making further and more effectual provision for the National defense, and for other purposes," approved June 3, 1916, as amended, or of any Act amendatory thereof or supplemental thereto, not more than seven officers of the Army. (May 19, 1924, c. 157, § 701, 43 Stat 130.)

§ 9127–702. False or fraudulent statements; penalty—Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III, IV, V, or VI, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than five years, or both. (May 19, 1924, c. 157, § 702, 43 Stat. 131.)

§ 9127–703. Estimates of required expenditures; appropriations to defray—The Secretary of War, the Secretary of the Navy, and the Director shall severally submit in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this Act as each is charged with administering, and there is hereby authorized to be appropriated amounts sufficient to defray such expenditures The Director shall also submit estimates for appropriations for the fund created by section 505. (May 19, 1924, c. 157, § 703, 43 Stat. 131)

TITLE LVII B—WORLD WAR VETERANS

This title consists of Act June 7, 1924 c 320, entitled "An act to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the War Risk Insurance Act, as amended and the Vocational Rehabilitation Act, as amended," as amended and supplemented.

TITLE I—GENERAL

§ 9127½–1. Citation of act—This Act may be cited as the "World War Veterans' Act, 1924." (June 7, 1924, c. 320, § 1, 43 Stat. 607)

§ 9127½–2. General definitions—When used in this Act—

The term "bureau" means the United States Veterans' Bureau.

The term "director" means the Director of the United States Veterans' Bureau. (June 7, 1924, c. 320, § 2, 43 Stat. 607.)

§ 9127½–3. Definitions of words and phrases used in titles II, III, and IV—In Titles II, III, and IV of this Act unless the context otherwise requires—

(1) The term "child" includes—

(a) A legitimate child

(b) A child legally adopted.

(c) A stepchild, if a member of the man's household

(d) An illegitimate child, but, as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child.

(2) The term "grandchild" means a child as above defined of a child as above defined.

(3) Except as used in section 300 the terms "child" and "grandchild" are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if permanently incapable of self-support by reason of mental or physical defect.

(4) The term "parent" includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the persons in the service or of the spouse

(5) The terms "father" and "mother" include stepfathers and stepmothers, fathers and mothers through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to his enlistment or induction for a period of not less than one year.

(6) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

(7) The terms "brother" and "sister" include the children of a person who, for a period of not less than one year, stood in loco parentis to a member of the military or naval forces of the United States at any time prior to his enlistment or induction, or another member of the same household as to whom such per-

son during such period likewise stood in loco parentis

(8) The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States

(9) The terms "man" and "enlisted man" mean a person, whether male or female and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers and members of training camps authorized by law.

(10) The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

(11) The term "injury" includes disease.

(12) The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances

(13) The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy

(14) The terms "World War," during the period of the war," and "during the World War" mean the period beginning April 6, 1917, and ending July 2, 1921

(15) The terms "date of termination of the war" and "termination of the war" mean July 2, 1921 (June 7, 1924, c. 320, § 3, 43 Stat 607, amended, March 4, 1925, c 553, § 1, 43 Stat. 1302)

This section is amended by Act March 4, 1925, c 553, § 1, cited above, by making par 3 thereof read as set forth above Prior to this amendment paragraph 3 read as follows "Except as used in section 301 and in section 302, the term 'child' and 'grandchild' are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if permanently incapable of self-support by reason of mental or physical defect"

§ 9127½–4. United States Veterans' Bureau; establishment; director; appointment; salary; technical and administrative staff; sections and subdivisions—There is established an independent bureau under the President to be known as the United States Veterans' Bureau, the director of which shall be appointed by the President by and with the advice and consent of the Senate. The Director of the United States Veterans' Bureau shall receive a salary of $10,000 per annum, payable monthly.

There shall be included on the technical and administrative staff of the director such staff officers, experts, inspectors, and assistants as the director shall prescribe; and there shall be in the United States Veterans' Bureau such sections and subdivisions thereof as the director shall prescribe. With such exceptions as the President may deem advisable, all employees shall be subject to the civil-service law and regulations made thereunder. (June 7, 1924, c. 320, § 4, 43 Stat. 608.)

The Army appropriation act for the year 1922, Act June 30, 1921, c 33, § 1, 42 Stat 85, contains the following provision: "Whenever possible officers, warrant officers, noncommissioned officers, or other enlisted men shall be detailed as instructors."

Act June 5, 1920, c. 240, 41 Stat. 966, contains the following provisions: "Whenever possible officers, warrant officers, noncommissioned officers, or other enlisted men shall be detailed as instructors in vocational training in the most important trades in lieu of civilian instructors."

The Executive office and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1926, Act March 3, 1925, c 468, § 1, 43 Stat 1210, contains the following provisions under the subheading "United States Veterans' Bureau"·

"For carrying out the provisions of an Act entitled 'An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau and to further amend and modify the War Risk Insurance Act approved August 9, 1921,' and to carry out the provisions of the Act entitled 'World War Veterans' Act, 1924,' approved June 7, 1924, and for administrative expenses in carrying out the provisions of the World War adjusted compensation Act of May 19, 1924, including salaries of personnel in the District of Columbia and elsewhere in accordance with the Classification Act of 1923, and expenses of the central office at Washington, District of Columbia, and regional offices and suboffices, and including salaries, stationery and minor office supplies, furniture, equipment and supplies, rentals and alterations, heat, light, and water, miscellaneous expenses, including telephones, telegrams, freight, express, law books, books of reference, periodicals, ambulance service, towel service, laundry service, repairs to equipment, storage, ice, taxi service, car fare, stamps and box rent, traveling and subsistence, salaries and expenses of employees engaged in field investigation, passenger-carrying and other motor vehicles, including purchase, maintenance, repairs, and operation of same, salaries and operating expenses of the Arlington Building and annex, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items, and including the salaries and allowances, where applicable, wages, travel and subsistence of civil employees at the United States veterans' hospitals, supply depots, dispensaries, clinics, and vocational schools * *

"Such portion of this appropriation as may be necessary shall be allotted from time to time by the United States Veterans' Bureau to the Public Health Service and shall be available for expenditure by the Public Health Service for necessary personnel, the pay and allowances, and travel of commissioned officers of the Public Health Service detailed to the United States Veterans' Bureau for duty * *

"Medical and hospital services: For medical, surgical, dental, dispensary, and hospital services and facilities, convalescent care, necessary and reasonable aftercare, welfare of, nursing, prosthetic appliances, medical examinations, funeral and other incidental expenses (including transportation of remains), traveling expenses, and supplies, and not exceeding $100,000 for library books, magazines, and papers for beneficiaries of the United States Veterans' Bureau, including court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane * *.

"This appropriation shall be disbursed by the United States Veterans' Bureau, and such portion thereof as may be necessary shall be allotted from time to time to the Public Health Service, and the War, Navy, and Interior Departments, and transferred to their credit for disbursement by them for the purposes set forth in the foregoing paragraph, and allotted and transferred to the Board of Managers of the National Home for Disabled Volunteer Soldiers for the purposes set forth in the foregoing paragraph, and such sums as are allotted to the Board of Managers shall be covered into the surplus fund of the Treasury

"No part of this appropriation shall be expended for the purchase of any site for a new hospital, for or toward the construction of any new hospital, or for the purchase of any hospital, and not more than $3,837,750 of this appropriation may be used to alter, improve, or provide facilities in the several hospitals under the jurisdiction of the United States Veterans' Bureau so as to furnish adequate accommodations for its beneficiaries either by contract or by the hire of temporary employees and the purchase of materials * *

"The allotments made to the Public Health Service, War, Navy, and Interior Departments shall be available for expenditure for care and treatment of beneficiaries of the United States Veterans' Bureau, and for necessary minor repairs and improvements of existing facilities, under the various headings of appropriations made to said departments as may be necessary.

"Vocational rehabilitation For carrying out the provisions of the Act entitled 'An Act to provide for the vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes,' approved June 27, 1918, as amended, and the World War Veterans' Act 1924, approved June 7, 1924, $38,000,000 Provided, That no part of the foregoing sum shall be used for the establishment, maintenance, or operation of training schools at any Army camp or cantonment acquired for use as a training center· Provided further, That no part of the foregoing appropriation shall be expended for construction work except necessary extensions, additions, and repairs, which may be accomplished either by contract or by hire of temporary employees and the purchase of materials· Provided further, That this appropriation shall be available for the purchase and distribution of embossed literature in Revised Braille for the use of blinded ex-service men and for procurement of equipment and supplies for the production of such literature * *

"Adjusted service and dependent pay: For payment of adjusted service credits of not more than $50 each, as provided in sections 401 and 601 of the 'World War adjusted compensation Act' of May 19, 1924, and for payment to dependents of deceased veterans the quarterly installments due on adjusted service credits in excess of $50 each, as provided in sections 601 and 603 of said Act, $12,000,000, to remain available until expended.

"Adjusted service certificate fund· For an amount necessary under section 505 of the 'World War adjusted compensation Act' of May 19, 1924, to provide for the payment of the face value of each adjusted service certificate in

twenty years from its date or on the prior death of the veteran, $50,000,000, to remain available until expended."

Section 2 of said appropriation act reads as follows:

"In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 9127½–5. Same; director; powers and duties; duties of officers and employés; rules and regulations; proofs and evidence; forms of applications; investigations; medical examinations; adjudications and awards—The director, subject to the general direction of the President, shall administer, execute, and enforce the provisions of this Act, and for that purpose shall have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, which are necessary or appropriate to carry out its purposes, and shall decide all questions arising under this Act and all decisions of questions of fact affecting any claimant to the benefits of Titles II, III, or IV of this Act, shall be conclusive except as otherwise provided herein. All officers and employees of the bureau shall perform such duties as may be assigned them by the director. All official acts performed by such officers or employees specially designated therefor by the director shall have the same force and effect as though performed by the director in person. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of compensation, insurance, vocational training or maintenance and support allowance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards. (June 7, 1924, c. 320, § 5, 43 Stat. 608.)

§ 9127½–5½. Statement by Director to Congress of employees and rates of pay—On the first day of each regular session of Congress the Director of the Veterans' Bureau shall transmit to the President of the Senate and the Speaker of the House of Representatives a statement giving in detail (a) the total number of positions at a rate of $2,000 or more per annum, (b) the rate of salary attached to each position, (c) the number of positions at each rate in the central office and in each regional office or suboffice and hospital, and (d) a brief statement of the duties of each position. (March 3, 1925, c. 468, § 1, 43 Stat. 1210.)

From the Executive office and independent executive bureaus, boards, commissions, and offices appropriation act for the year 1926, cited above. Prior appropriation acts have contained similar provisions.

§ 9127½–6. Placement of rehabilitated persons; use of facilities of Department of Labor—The bureau shall have the power, and it shall be its duty, to provide for the placement of rehabilitated persons in suitable or gainful occupations. The director is authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations. (June 7, 1924, c. 320, § 6, 43 Stat. 609.)

§ 9127½–7. Central and regional and suboffices of Bureau; powers—The director shall establish a central office in the District of Columbia, and such regional offices and suboffices, not exceeding one hundred in number, within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the Veterans' Bureau and to carry out the purposes of this Act. Such regional offices and suboffices, may, subject to final action by the director in case of an appeal, and under such rules and regulations as may be prescribed by the director, exercise such powers for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable after care, granting vocational training and all other matters delegated to them, or some of them, by the director as could be performed lawfully under this Act by the central office.

The director may abolish any regional offices or suboffices when in his judgment this may be done without detriment to the administration of this Act, and upon such termination all records and supplies pertaining thereto shall be delivered to the central office, or as the director shall otherwise prescribe. (June 7, 1924, c. 320, § 7, 43 Stat. 609.)

§ 9127½–8. Witnesses; subpœnas; contempt; fees; details of clerks, etc., in Bureau to make examinations; oaths and affidavits—For the purposes of this Act the director, and such persons as the director may designate, shall have the power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses upon any matter within the jurisdiction of the bureau. In case of disobedience to a subpœna the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

For the purpose of this Act, the director is authorized to detail from time to time clerks or persons employed in the bureau to make examinations into the merits of compensation and insurance claims, whether pending or adjudicated, as he may deem proper, and to aid in the preparation, presentation, or examination of such claims; and any such person so detailed shall have power to administer oaths, take affidavits, and certify to the correctness of the papers and documents pertaining to the administration of this Act. (June 7, 1924, c. 320, § 8, 43 Stat. 609.)

§ 9127½–9. Opinions of Attorney General—In addition to the services of the legal assistants em-

ployed by the bureau, the Director may require the opinion of the Attorney General on any questions of law arising in the administration of the bureau (June 7, 1924, c 320, § 9, 43 Stat. 610)

§ 9127½—10. Hospitalization, medical care and treatment of beneficiaries; powers of Director; hospital facilities—The director, subject to the general directions of the President, shall be responsible for the proper examination, medical care, treatment, hospitalization, dispensary, and convalescent care necessary and reasonable after care, welfare of, nursing, vocational training, and such other services as may be necessary in the carrying out of the provisions of this Act, and for that purpose is hereby authorized, at the direction of the president or with the approval of the head of the department concerned, to utilize the now existing or future facilities of the United States Public Health Service, the War Department, the Navy Department, the Interior Department, the National Home for Disabled Volunteer Soldiers, and such other governmental facilities as may be made available for the purposes set forth in this act; and such governmental agencies are hereby authorized to furnish such facilities, including personnel, equipment, medical, surgical, and hospital services and supplies as the director may deem necessary and advisable in carrying out the provisions of this Act, in addition to such governmental facilities as are hereby made available

When, in the opinion of the director, the facilities and services utilized for the hospitalization, medical care, and treatment for beneficiaries under this act are unsatisfactory, the director shall make arrangements for the further hospitalization, care, and treatment of such beneficiaries by other means.

In the event that there is not sufficient Government hospital and other facilities for the proper medical care and treatment of beneficiaries under this Act, and the director deems it necessary and advisable to secure additional Government facilities, he may, within the limits of appropriations made for carrying out the provisions of this paragraph, and with the approval of the President, improve or extend existing governmental facilities, or acquire additional facilities by purchase or otherwise. Such new property and structures as may be improved, extended, or acquired shall become part of the permanent equipment of the United States Veterans' Bureau or of some one of the now existing agencies of the Government, including the War Department, Navy Department, Interior Department, Treasury Department, the National Home for Disabled Volunteer Soldiers, in such way as will best serve the present emergency, taking into consideration the future services to be rendered the veterans of the World War, including the beneficiaries under this Act.

In the event Government hospital facilities are insufficient or inadequate the director may contract with State, municipal, or in exceptional cases, with private hospitals for such medical, surgical, and hospital services and supplies as may be required, and such contracts may be made for a period of not exceeding three years and may be for the use of a ward or other hospital unit or on such other basis as may be in the best interest of the beneficiaries under this Act.

There are hereby permanently transferred to the Veterans' Bureau all hospitals now or formerly under the jurisdiction of the Public Health Service or of the Treasury Department, the operation, management, or control of which have heretofore been transferred by the President to said Bureau pursuant to the authority contained in section 9 of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such Bureau and further to amend and modify the War Risk Insurance Act, approved August 9, 1921." (June 7, 1924, c. 320, § 10, 43 Stat. 610.)

§ 9127½—10a. Additional hospital and out-patient dispensary facilities; powers of Director; construction, etc.—In order to provide sufficient hospital and out-patient dispensary facilities to enable the United States Veterans' Bureau to care for its beneficiaries in Veterans' Bureau hospitals rather than in contract temporary facilities and other institutions, the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War Veterans Act, 1924, by purchase, replacement, and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto; vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants to be constructed shall be of fireproof construction and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: Provided, however, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds, now owned by the United States, as may be available for the purposes aforesaid, and the President is hereby authorized by Executive order to transfer any such buildings, structures, and grounds to the control and jurisdiction of the United States Veterans' Bureau upon the request of the director thereof. (March 3, 1925, c. 469, § 1, 43 Stat. 1212)

This section, and the three sections next following, are an act entitled "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War Veterans Act, 1924," cited above.

§ 9127½—10b. Same; construction of buildings—The construction of new hospitals or dispensaries, or the replacement, extension, alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable. (March 3, 1925, c. 469, § 2, 43 Stat. 1213.)

See note to § 9127½–10a, ante.

§ 9127½—10c. Same; appropriation; use of—For carrying into effect the preceding paragraphs relating to additional hospitals and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per centum of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution

thereof, and for traveling expenses, field-office equipment and supplies in connection therewith. (March 3, 1925, c. 469, § 3, 43 Stat. 1213.)

See note to § 9127½–10a, ante

§ 9127½–10d. Same; other hospitals not to be used—Upon completion of the hospital program provided for in this Act no contract or other hospital or institution other than those hospitals and institutions under the jurisdiction and control of the United States Veterans' Bureau or those governmental hospitals or institutions specified in section 10 of the World War Veterans' Act, 1924, shall be used, except where due to the nature of a claimant's disease or disability it would endanger his life to remove him from such hospital to a Veterans' Bureau hospital, or in the event of extreme emergency in the discretion of the director. (March 3, 1925, c. 469, § 4, 43 Stat 1213)

See note to § 9127½–10a, ante

§ 9127½–11. Same; rules and regulations; penalty for breaches—The director is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct on the part of persons who are receiving care or treatment in hospitals, homes, or institutions as patients or beneficiaries of said bureau during their stay in such hospitals, homes, institutions, or training centers Penalties for the breach of such rules and regulations may, with the approval of the director, extend to a forfeiture by the offender of such portion of the compensation payable to him, not exceeding three-fourths of the monthly installment per month for three months, for a breach committed while receiving treatment in such hospital, home, institution, or training center as may be prescribed by such rules and regulations. (June 7, 1924, c. 320, § 11, 43 Stat. 611.)

§ 9127½–12. Vocational rehabilitation; gifts and donations for; special fund for—The bureau is hereby authorized and empowered to receive, for purposes of benefits provided by Title IV hereof, such gifts and donations from either public or private sources as may be offered unconditionally All moneys so received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said bureau in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress by the director. (June 7, 1924, c 320, § 12, 43 Stat. 611.)

§ 9127½–13. Same; revolving fund for—All sums heretofore appropriated for use by the Federal Board for Vocational Education as a revolving fund, not exceeding $500,000, may be used by the bureau as a revolving fund for the purpose of making advancement to persons commencing or undergoing training under Title IV hereof, such advancements to bear no interest and to be reimbursed in such installments as may be determined by the director by proper deductions from the monthly maintenance and support allowances allowed by this Act. (June 7, 1924, c. 320, § 13, 43 Stat. 611.)

§ 9127½–14. Report by Director to Congress of activities of Bureau—The director of the United States Veterans' Bureau shall on the first Monday in December of each year file with the Speaker of the House of Representatives and the President of the Senate a full and complete report of all activities of the United States Veterans' Bureau, showing in detail the number of claimants and the amount of compensation paid, the number of veterans of the various wars and expeditions receiving hospitalization and medical treatment, the number of dependents drawing compensation and the amount of such compensation, the number of persons holding and paying for Government life insurance, and a full and itemized statement of all moneys received and disbursed by the director, or any of his agents, for the preceding year. (June 7, 1924, c 320, § 14, 43 Stat. 611)

§ 9127½–15. Previous appropriations under War Risk Insurance Act, Vocational Rehabilitation Act, and Veterans' Bureau Act of 1921 available for Bureau—All sums heretofore appropriated for carrying out the provisions of the War Risk Insurance Act and amendments thereto and to carry out the provisions of the Act entitled "An Act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, and amendments thereto, and all sums heretofore appropriated for carrying out the provisions of the Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and further to amend and modify the War Risk Insurance Act," approved August 9, 1921, and amendments thereto shall, where unexpended, be made available for the bureau and may be expended in such manner as the director deems necessary in carrying out the purposes of this Act. (June 7, 1924, c. 320, § 15, 43 Stat. 611.)

Act Feb 26, 1919, c 46, 40 Stat 1179, entitled "An act extending the use of the special fund for vocational education provided by section seven of the vocational rehabilitation act, approved June twenty-seventh, nineteen hundred and eighteen, and for other purposes," reads as follows "The special fund for vocational education, authorized by section seven of the vocational rehabilitation Act, approved June twenty-seventh, nineteen hundred and eighteen, together with the items of appropriation made by said Act, are hereby made available, in addition to the purposes therein prescribed, for such other expenses as in the discretion of the board is deemed necessary and proper for the payment of necessary travel, lodging, subsistence, and other expenses of disabled men while under investigation by the board to determine their eligibility for training under the Act, and the purchase of supplies, equipment, and clothing for disabled men when ready to enter employment, and the traveling expenses of such men to place of employment and for supplementing any or all of the other items of appropriation made by said Act"

§ 9127½–16. Previous appropriations for military and naval insurance appropriation, and premiums collected for term insurance available for Bureau; future premiums for term insurance—All sums heretofore appropriated for the military and naval insurance appropriation and all premiums collected for the yearly renewable term insurance provided by the provisions of Title III deposited and covered into the Treasury to the credit of this appropriation, shall, where unexpended, be made available for the bureau. All premiums that may hereafter be collected for the yearly renewable term insurance provided by the provisions of Title III hereof shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum including all premium payments is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance made under the provisions of Title III, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia Payments from this appropriation shall be made upon and in accordance with the awards by the director. (June 7, 1924, c. 320, § 16, 43 Stat. 612.)

§ 9127½–17. United States government life insurance fund; premiums paid on account of converted insurance credited to; payments from; reserve funds—All premiums paid on account of in-

surance converted under the provisions of Title III hereof shall be deposited and covered into the Treasury to the credit of the United States Government life insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or in the Supreme Court of the District of Columbia Payments from this fund shall be made upon and in accordance with awards by the director

The bureau is authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance, and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life insurance fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund (June 7, 1924, c. 320, § 17, 43 Stat. 612)

§ 9127½—18. **Credit in accounts of disbursing clerk of Bureau for payments of insurance installments**—The Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the disbursing clerk of the bureau for all payments of insurance installments hereafter made, without verification of the deduction on the pay rolls, of such premiums as may have accrued prior to January 1, 1921, while the insured was in the service. (June 7, 1924, c. 320, § 18, 43 Stat. 612.)

§ 9127½—19. **Actions on claims; jurisdiction; parties; procedure**—In the event of disagreement as to claim under a contract of insurance between the Bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the District Court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies The procedure in such suits shall be the same as that provided in sections 5 and 6 of the Act entitled "An Act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and section 10 thereof insofar as applicable All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the bureau acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought by the bureau in the name of the United States against all persons having or claiming to have any interest in such insurance in the Supreme Court of the District of Columbia or in the district court in and for the district in which any of such claimants reside: Provided, That not less than thirty days prior to instituting such suit the bureau shall mail a notice of such intention to each of the persons to be made parties to the suit. The circuit courts of appeal and the Court of Appeals of the District of Columbia shall respectively exercise appellate jurisdiction and, except as provided in sections 239 and 240 of the Judicial Code, the decrees of the circuit courts of appeal and the Court of Appeals of the District of Columbia shall be final. This section shall apply to all suits now pending against the United States under the provisions of the War Risk Insurance Act as amended, or of the World War Veterans' Act, 1924, and amendments thereto. (June 7, 1924, c. 320, § 19, 43 Stat. 612, amended, March 4, 1925, c. 553, § 2, 43 Stat. 1302)

This section was amended by Act March 4, 1925, c 553, § 2, cited above, to read as set forth above Prior to this amendment the section read as follows "No claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars and such other organizations as shall be approved by the Director, shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV, except that in the event of disagreement as to claim under a contract of insurance between the bureau and any beneficiary or beneficiaries thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision, the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed 5 per centum of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted to his attorney, said fee to be paid out of the payments to be made to the beneficiary under the judgment rendered at a rate not exceeding one-tenth of each of such payments until paid All persons having or claiming to have an interest in such insurance may be made parties to said suit, and such as are not inhabitants of or found within the district in which suit is brought, may be brought in by order of the court to be served personally or by publication as the court may direct The procedure in such suits shall otherwise be the same as that provided for suits in the district courts by the act entitled, 'An Act providing for the bringing of suits against the United States,' approved March 3, 1887, as amended"

§ 9127½—20. **Proof of marriage of claimant**—For the purpose of this Act the marriage of the claimant to the person on account of whom the claim is made shall be shown by such testimony as the director may prescribe by regulations. (June 7, 1924, c. 320, § 20, 43 Stat 613.)

§ 9127½—21. **Payments to minors, mental incompetents, or persons under legal disability**—Where any payment under this Act is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: Provided, That prior to receipt of notice by the bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: Provided further, That for the purpose of payments of benefits under Title II hereof, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate: And provided further, That the director, in his discretion, may suspend such payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary. (June 7, 1924, c 320, § 21, 43 Stat. 613.)

§ 9127½—22. **Assignability and exempt status of compensation, insurance, and maintenance and support allowances**—The compensation, insurance, and maintenance and support allowance payable

under Titles II, III, and IV, respectively, shall not be assignable; shall not be subject to the claims of creditors of any person to whom an award is made under Titles II, III, or IV, and shall be exempt from all taxation: Provided, That such compensation, insurance, and maintenance and support allowance shall be subject to any claims which the United States may have, under Titles II, III, IV, and V, against the person on whose account the compensation, insurance, or maintenance and support allowance is payable.

That the provisions of this section shall not be construed to prohibit the assignment by any person to whom converted insurance shall be payable under Title III of such Act of his interest in such insurance to any other member of the permitted class of beneficiaries. (June 7, 1924, c. 320, § 22, 43 Stat. 613)

§ 9127½–23. Effect of discharge from military or naval forces on insurance, etc.—The discharge or dismissal of any person from the military or naval forces on the ground that he was guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he was found guilty by a court-martial, or that he was an alien, conscientious objector who refused to perform military duty or refused to wear the uniform, or a deserter, shall bar all rights to any compensation under Title II, or any training, or any maintenance and support allowance under Title IV: Provided, That this section shall not apply to an alien who volunteered or who was drafted into or who served in the Army, Navy, or Marine Corps of the United States during the World War, who was discharged subsequent to November 11, 1918, or who was not discharged from the service on or prior to November 11, 1918, on his own application or solicitation by reason of his being an alien, and whose service was honest and faithful: Provided further, That in case any person has been discharged or dismissed from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge such person was insane, such person shall be entitled to the compensation and vocational training benefits under Titles II and IV hereof: Provided further, That discharge or dismissal or finding of guilt for any of the offenses specified in this section shall not affect the payment of compensation or maintenance and support allowance for disabilities incurred in or aggravated by service in any prior or subsequent enlistment: Provided further, That no compensation or insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy Provided, That as to converted insurance the cash surrender value hereof, if any, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured the said value shall be paid to the estate of the insured: Provided further, That the discharge of a person for having concealed the fact that he was a minor at the time of his enlistment shall not bar him from the benefits of this Act if his service was otherwise honorable: Provided further, That this section, shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended. (June 7, 1924, c. 320, § 23, 43 Stat. 613, amended, March 4, 1925, c. 553, § 3, 43 Stat. 1303.)

This section was amended by Act March 4, 1925, c. 553, § 3, cited above, to read as set forth above. Prior to this amendment the section read as follows: "The discharge or dismissal of any person from the military or naval forces on the ground that he is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he has been found guilty by a court-martial, or that he is an enemy alien, conscientious objector, or a deserter, shall terminate any insurance granted on the life of such person under the provisions of Title III, and shall bar all rights to any compensation under Title II, or any insurance under Title III, or any maintenance and support allowance under Title IV Provided, That as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and if dead to the designated beneficiary Provided further, That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and who was not discharged from the service on his own application or solicitation by reason of his being an enemy alien, and whose service was honest and faithful, shall be entitled to the benefits under Titles II, III, and IV hereof Provided further, That in case any person has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge that such person was insane, such person shall be entitled to the compensation, insurance, and vocational training benefits under Titles II, III, and IV hereof Provided further, That this section shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended"

§ 9127½–24. Effect of death or disability, after induction by draft boards or calling into Federal service, but before acceptance and enrollment for actual service on right to compensation and insurance—If after induction by the local draft board, or after being called into Federal service as a member of the National Guard, but before being accepted and enrolled for active service, the person died or became disabled as a result of disease contracted or injury suffered in the line of duty and not due to his own willful misconduct involving moral turpitude, or as a result of the aggravation, in the line of duty and not because of his own willful misconduct involving moral turpitude, of an existing disease or injury, he or those entitled thereto shall receive the benefits of compensation payable under Title II; and any insurance application made by such person after induction by the local draft board but before being accepted and enrolled for active service shall be deemed valid. (June 7, 1924, c. 320, § 24, 43 Stat. 614)

§ 9127½–25. Benefits under titles II and III to persons applying for enlistment or enrollment between April 6, 1917 and November 11, 1918 and accepted provisionally—Any person who between the 6th day of April, 1917, and the 11th day of November, 1918, applied for enlistment or enrollment in the military or naval forces, and who was accepted provisionally and directed or ordered to a camp, post, station, or other place for final acceptance into such service, shall be deemed to have the same status as an inducted man not yet accepted and enrolled for active service during the period while such person was complying with such order or direction, and during such compliance, and until his final acceptance or rejection for enlistment or enrollment into the military or naval forces, shall be entitled to the same benefits under Titles II and III hereof as an inducted man not yet accepted and enrolled for active service. (June 7, 1924, c. 320, § 25, 43 Stat. 614.)

§ 9127½–26. Payments to personal representatives—The amount of the monthly installments of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Titles II, III, or IV hereof, but which has not been paid prior to the death of the person entitled to receive the same, may be payable to the personal representatives of such person: Provided, That in cases where the estate of

the decedent would escheat under the laws of the place of his residence, such installments shall not be paid to the estate of the decedent but shall escheat to the United States and shall be credited to the appropriation from which the original award was made. (June 7, 1924, c. 320, § 26, 43 Stat 614.)

§ 9127½—27. Validation of payments previously made—All payments of compensation and insurance heretofore made pursuant to a regulation permitting permanent and total disability to be presumed from hospitalization or ratings of less than permanent total disability shall be deemed valid and no recovery thereof shall be made: Provided, That nothing herein shall operate to validate insurance not in force on the date an award thereof was approved, except where premiums have been thereafter accepted (June 7, 1924, c. 320, § 27, 43 Stat 615)

§ 9127½—28. Payments not to be recovered from beneficiaries, when—There shall be no recovery of payments from any beneficiary who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. (June 7, 1924, c. 320, § 28 43 Stat 615)

§ 9127½—29. Sale, etc., by director of surplus equipment, etc.—The director is authorized, in his discretion, to sell, lease, or exchange surplus equipment, supplies, products, or waste materials belonging to the bureau or any of its plants or institutions, and to lease for a term, not exceeding three years, lands or buildings, or parts or parcels thereof, belonging to the United States and under the control of the bureau. The net proceeds of all such sales, leases, or exchanges shall be covered into the Treasury of the United States as miscellaneous receipts. (June 7, 1924, c. 320, § 29, 43 Stat. 615)

§ 9127½—30. Files, records, etc., confidential and privileged—All files, records, reports, and other papers and documents pertaining to any claim for the benefits of this Act, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made except as follows:

(a) To a claimant or his duly authorized representative, as to matters concerning himself alone, when in the judgment of the director such disclosure would not be injurious to the physical or mental health of the claimant;

(b) Where required by the process of a United States court to be produced in any suit or proceeding therein pending; or when such production is deemed by the director to be necessary in any suit or proceeding brought under the provisions of this Act;

(c) In all proceedings in the nature of an inquest into the mental competency of a claimant, and in all other judicial proceedings, when in the judgment of the director such disclosure is deemed necessary and proper;

(d) The amount of compensation or training allowance of any beneficiary shall be made known to any person who applies for such information.

Wherever the production of a file, record, report, or other document is required or permitted by this section a certified copy thereof may be produced in lieu of the original, and such certified copy shall be received in evidence with like force and effect as the original. (June 7, 1924, c. 320, § 30, 43 Stat. 615.)

§ 9127½—31. [Repealed.]

This section (Act June 7, 1924, c. 320, § 31, 43 Stat. 615) is repealed by Act March 4, 1925, c 553, § 4, 43 Stat. 1304. It read as follows: "The provisions of this Act shall not apply to any conscientious objector who refused to perform military duty or refused to wear the uniform, or to any alien who was discharged from the military or naval forces prior to November 11, 1918, on account of his alienage."

§ 9127½—32. Telephone service; payment for—Payment may be made for official telephone service and rental in the field wherever incurred in case of official telephones for medical officers of the Bureau where such telephones are installed in private residences or private apartments or quarters when authorized under regulations established by the director (June 7, 1924, c. 320, § 32, added, March 4, 1925, c. 553, § 5, 43 Stat 1304)

This section was added to the World War Veterans' Act by § 5 of Act March 4, 1925, c 553, cited above

TITLE II—COMPENSATION AND TREATMENT

§ 9127½—200. Compensation for death or disability; to whom payable and for what causes payable; presumptions as to soundness of condition and time of acquisition of disabilities—For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) or, in the discretion of the Director, separately to his or her dependents, compensation as hereinafter provided, but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: Provided, That no person suffering from paralysis, paresis, or blindness shall be denied compensation by reason of willful misconduct, nor shall any person who is helpless or bedridden as a result of any disability be denied compensation by reason of willful misconduct. That for the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: Provided, That an ex-service man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amoebic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this Act shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculous disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; but nothing in this proviso shall be construed to prevent a claimant from receiving the bene-

fits of compensation and medical care and treatment for a disability due to these diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (4) section 202, of this Act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim (June 7, 1924, c. 320, § 200, 43 Stat 615, amended, March 4, 1925, c. 553, § 6, 43 Stat 1304.)

This section was amended by Act March 4, 1925, c 553, § 6, cited above, to read as set forth above Prior to this amendment the section read as follows "For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered and contracted in, or such recurrence was caused by, the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man, or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay to such commissioned officer or enlisted man, member of the Army Nurse Corps (female), or of the Navy Nurse Corps (female), or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided, but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct Provided, That no person suffering from paralysis, paresis, or blindness, or from constitutional lues requiring hospitalization, as the result of disease, shall be denied compensation while a patient in a Veterans' Bureau hospital by reason of willful misconduct That for the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921, and every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after July 2, 1921, is discharged or resigns, shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record Provided, That an exservice man who is shown to have or, if deceased, to have had, prior to January 1, 1925, neuropsychiatric disease, an active tuberculous disease, paralysis agitans, encephalitis lethargica, or amoebic dysentery developing a 10 per centum degree of disability or more in accordance with the provisions of subdivision (4) of section 202 of this Act shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease, tuberculosis, paralysis agitans, encephalitis lethargica, or amoebic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculous disease, but in all other cases said presumption shall be rebuttable by clear and convincing evidence, but nothing in this proviso shall be construed to prevent a claimant from receiving the benefits of compensation and medical care and treatment for a disability due to those diseases of more than 10 per centum degree (in accordance with the provisions of subdivision (4), section 202, of this Act) on or subsequent to January 1, 1925, if the facts in the case substantiate his claim"

§ 9127½–201. Amounts payable for death resulting from injury; burial allowances; payments to widow or children—If death results from injury:—

If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

(a) If there is a widow but no child, $30.

(b) If there is a widow and one child, $40, with $6 for each additional child.

(c) If there is no widow, but one child, $20.

(d) If there is no widow, but two children, $30.

(e) If there is no widow, but three children, $40, with $5 for each additional child.

(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75 Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States Veterans' Bureau shall pay for burial and funeral expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation. Where a veteran of any war, including those persons who served honorably as Army nurses under contracts for ninety days or more during the Spanish-American War, who was not dishonorably discharged dies after discharge or resignation from the service and does not in the judgment of the director leave sufficient assets to meet the expenses of burial and funeral and the transportation of the body, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $7; also, for burial and funeral expenses and the transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding $100 to cover such items and to be paid to such person or persons as may be fixed by regulations: Provided, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable in all cases. Provided further, That where such person, while receiving from the bureau medical, surgical, or hospital treatment or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable in all cases and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial, within the continental limits of the United States, its Territories or possessions and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: And provided further, That no accrued pension, compensation, or insurance due at the time of death shall be deducted from the sum allowed.

(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of such parent.

(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity.

(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

(6) The term "widow," as used in this section, shall not include one who shall have married the deceased later than ten years after July 2, 1921, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

(7) That this section shall be deemed to be in effect as of April 6, 1917: Provided, however, That the re-

ceipt of a gratuity, pension, or compensation, including adjusted compensation, by widow, child, or parent, on account of the death, disability, or service of any person shall not bar the payment of compensation on account of the death or disability of any other person: Provided, That before compensation under this section shall be paid the claimant shall first surrender all claim to any gratuity or pension payable under any other law on account of the death of the same person: Provided further, That no changes in rates or compensation made by this Act shall be retroactive in effect. (June 7, 1924, c. 320, § 201, 43 Stat 616, amended, March 4, 1925, c 553, § 7, 43 Stat. 1305)

This section was amended by Act March 4, 1925, c 553, § 7, cited above, to read as set forth above Prior to this amendment the section read as follows

"If death results from injury—

"If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts

"(a) If there is a widow but no child, $30

"(b) If there is a widow and one child, $40, with $6 for each additional child

"(c) If there is no widow, but one child, $20

"(d) If there is no widow, but two children, $30

"(e) If there is no widow, but three children, $40, with $5 for each additional child

"(f) If there is a dependent mother (or dependent father), $20, or both, $30 The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75 Such compensation shall be payable whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person

"(1) If death occur or shall have occurred subsequent to April 6, 1917, and before discharge or resignation from the service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulation Where a veteran of any war dies after discharge or resignation from the service and does not leave sufficient assets to meet the expenses of his burial and the transportation of his body, and such expenses are not otherwise provided for, the United States Veterans' Bureau shall pay the following sums: For a flag to drape the casket, and after burial to be given to the next of kin of the deceased, a sum not exceeding $5, also for burial expenses, a sum not exceeding $100, to such person or persons as may be fixed by regulations Provided, That when such person dies while receiving from the bureau compensation or vocational training, the above benefits shall be payable without reference to the indigency of the deceased Provided further, That where such person, while receiving from the bureau medical, surgical, or hospital treatment or vocational training, dies away from home and at the place to which he was ordered by the bureau, or while traveling under orders of the bureau, the above benefits shall be payable without reference to the indigency of the deceased and in addition thereto the actual and necessary cost of the transportation of the body of the person (including preparation of the body) to the place of burial within the continental limits of the United States, and including also, in the discretion of the director, the actual and necessary cost of transportation of an attendant: And provided further, That no accrued pension or compensation due at the time of death shall be deducted from the sum allowed

"(2) The payment of compensation to a widow shall continue until her death or remarriage, and the payment of compensation to a parent shall continue to the death of each parent.

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity

"(4) Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they and been the sole original beneficiaries.

"(5) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

"(6) The term 'widow' as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support

"(7) That this section shall be deemed to be in effect as of April 6, 1917 Provided, however, That the receipt of a gratuity, pension, or compensation by widow, or parent, on account of the death of any person shall not bar the payment of compensation on account of the death of any other person Provided, That before compensation under this section shall be paid there shall first be deducted from said sum so to be paid the amount of any payments made under any other law on account of the death or disability of the same person Provided further, That no changes in rates or compensation made by this Act shall be retroactive in effect"

§ 9127½—202. Amounts payable for disability resulting from injury; partial and temporary and total and permanent disability; hospitalized persons; ratings; medical, surgical, and hospital services; insane persons; allotments by patients in hospitals; hospital facilities; sale, etc., of surplus or condemned supplies, etc.; transportation, etc., to discharged members of military or naval forces of allied Governments; persons already receiving gratuity or pension; persons receiving vocational rehabilitation; retroactive effect of changes in rates—If disability results from the injury—

(1) If and while the disability is rated as total and temporary, the monthly compensation shall be the following amounts, payable monthly or semimonthly as the director may prescribe

(a) If the disabled person has neither wife nor child living, $80.

(b) If he has a wife but no child living, $90.

(c) If he has a wife and one child living, $95, and $5 for each additional child

(d) If he has no wife and one child living, $90, with $5 for each additional child

(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent

(2) If and while the disability is rated as partial and temporary, the monthly compensation shall be a percentage of the compensation that would be payable for his total and temporary disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum.

That any ex-service man shown to have had a tubercular disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director has reached a condition of complete arrest of his disease, and who shall be discharged from further hospitalization, shall be rated as temporarily totally disabled, and such rating shall not be decreased within a period of six months.

(3) If and while the disability is rated as total and permanent, the rate of compensation shall be $100 per month: Provided, however, That the permanent loss of the use of both feet or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or becoming permanently helpless or permanently bedridden, shall be deemed to be total, permanent disability: Provided, further, That the compensation for the loss of the use of both eyes shall be $150 per month, and that compensation for the loss of the use of both eyes and one or more limbs shall be $200 per month: Provided, further, That for double total, permanent disability the rate of compensation shall be $200 per month.

That any ex-service man shown to have a tuberculous disease of compensable degree, and who has been hospitalized for a period of one year, and who in the judgment of the director will not reach a condition of arrest by further hospitalization, and whose discharge from hospitalization will not be prejudicial to the beneficiary or his family, and who is not, in

the judgment of the director, feasible for training, shall, upon his request, be discharged from hospitalization and rated as temporarily totally disabled, said rating to continue for the period of three years: Provided, however, that nothing in this subdivision shall deny the beneficiary the right, upon presentation of satisfactory evidence, to be adjudged to be permanently and totally disabled

(4) If and while the disability is rated as partial and permanent, the monthly compensation shall be a percentage of the compensation that would be payable for his total and permanent disability equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than 10 per centum.

A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau. Ratings may be as high as 100 per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries. The bureau shall from time to time readjust this schedule of ratings whenever actual experience shall show that it is unjust to the disabled veteran.

(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable.

(6) In addition to the compensation above provided, the injured person shall be furnished by the United States Veterans' Bureau such reasonable governmental care or medical, surgical, dental, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for the commitment of mentally incompetent persons to institutions for the care or treatment of the insane, and shall be furnished with such supplies including dental appliances, wheel chairs, artificial limbs, trusses, and similar appliances, including special clothing made necessary by the wearing of prosthetic appliances prescribed by the bureau, as the director may determine to be useful and reasonably necessary, which dental appliances, wheel chairs, artificial limbs, trusses, special clothing, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: Provided, That nothing in this Act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in an institution or institutions, and shall be deemed by the director to be insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in an institution; and such compensation may, in the discretion of the director, be paid to the chief officer of said institution to be used for the benefit of such person: Provided, however, That if such person shall recover his reason and shall be discharged from such institution as competent, an additional amount of $60 per month shall be paid to him for each month the rate of compensation was $20 per month as provided by this subdivision

All or any part of the compensation, of any mentally incompetent inmate of an institution, may, in the discretion of the director, be paid to the chief officer of said institution to be properly accounted for and to be used for the benefit of such inmate, or may in the discretion of the director be apportioned to wife, child, or children, or dependent parents, in accordance with regulations

After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in an institution of any description and who are without wife, child, or dependent parent, shall not exceed $40.

(8) The director shall prescribe by regulation the conditions and limitations whereby all patients or beneficiaries of the bureau who are receiving treatment through the bureau as patients in a hospital may allot any proportion or proportions or any fixed amount or amounts of their monthly compensation for such purposes and for the benefit of such person or persons as they may direct.

In case such patient has not allotted three-fourths of his monthly compensation and in case the director shall find that by gross dissipation he is retarding his own progress to recovery, then regulations to be made by the director may provide that (except in the case of neuropsychiatric patients who are within the terms of the first paragraph of subdivision (7) hereof) any unallotted portion of such three-fourths compensation shall be deposited to the patients' credit with the Treasurer of the United States to accumulate at such rate of interest as the Secretary of the Treasury may determine but at a rate never less than 3½ per centum per annum, and when such patient shall be discharged by the bureau from hospital care, the said deposit and interest shall be paid to such patient if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the executor or administrator of the estate of such deceased person: Provided, That this paragraph shall not be so construed as to prevent payment by the bureau from the amounts due to the decedent's estate of his funeral expenses, expenses of last illness, board, rent, lodging, or other household expenses for which the decedent is liable, provided a claim therefor is presented by the creditors or by the person or persons who actually paid the same before settlement by the bureau

The Secretary of the Treasury is hereby authorized to invest and reinvest the said allotments deposited with him, or any part thereof, in interest-bearing obligations of the United States and to sell the obligations for the purposes of said funds.

(9) In addition to the care, treatment, and appliances now authorized by law, said bureau shall also provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such dental appliances as may be found reasonably necessary by the director) for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease contracted, or by reason of any aggravation of a preexisting injury or disease, specifically noted at examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, and before July 2, 1921: Provided, That the wound or injury received or disease contracted or aggravation of a preexisting injury or disease, for which such hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances (including such

dental appliances as may be found reasonably necessary by the director) shall be furnished, was incurred in the military or naval service and not caused by his own willful misconduct. Provided, That where a beneficiary of the bureau suffers or has suffered an injury or contracted a disease in service entitling him to the benefits of this subdivision, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no bureau facilities are or were then feasibly available and in the judgment of the director delay would be or would have been hazardous, the director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the bureau

(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine Insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases paralysis agitans, encephalitis lethargica or amoebic dysentery, or the loss of sight of both eyes regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged without regard to the nature or origin of their disabilities: Provided, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses. In the insular possessions of the United States, the director is further authorized to furnish hospitalization in other than Government hospitals

(11) The director shall have the same power, and shall be subject to the same limitations, in the sale of surplus or condemned supplies, material, and other personal property as now pertains to the Secretary of War. The Director is authorized to make regulations governing the disposal of articles produced by patients of such bureau in the course of their curative treatment, or to allow the patients to sell or to retain such articles.

(12) Where the disabled person is a patient in a hospital or where for any other reason the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation shall be apportioned as may be prescribed by regulations.

(13) The term "wife" as used in this section shall include "husband" if the husband is dependent upon the wife for support

(14) That the bureau is authorized to furnish transportation, also the medical, surgical, and hospital services and the supplies and appliances provided by subdivision (6) hereof, to discharged members of the military or naval forces of those governments which have been associated in war with the United States since April 6, 1917, and come within the provisions of laws of such governments similar to this Act, at such rates and under such regulations as the director may prescribe; and the bureau is hereby authorized to utilize the similar services, supplies, and appliances provided for the discharged members of the military and naval forces of those governments which have been associated in war with the United States since April 6, 1917, by the laws of such governments similar to this Act, in furnishing the discharged members of the military and naval forces of the United States who live within the territorial limits of such governments and come within the provisions of subdivision (6) hereof, with the services supplies, and appliances provided for in such subdivision; and any appropriations that have been or may hereafter be made for the purpose of furnishing the services, supplies, and appliances provided for by subdivision (6) hereof are hereby made available for the payment to such governments or their agencies for the services, supplies, and appliances so furnished at such rates and under such regulations as the director may prescribe.

(15) That any person who is now receiving a gratuity or pension from the United States under existing law shall not receive compensation under this section unless he shall first surrender all claim to further payments of such gratuity or pension, except as provided in subdivision 7 of section 201.

(16) No compensation hereunder shall be paid for the period during which any such person is being furnished by the bureau a course of vocational rehabilitation and support as authorized in Title IV hereof: Provided, however, That in the event any person pursuing a course of vocational rehabilitation is entitled under Title II of this Act to compensation in an amount in excess of the payments made to him under Title IV hereof for his support and the support of his dependents, if any, the bureau shall pay monthly to such person such additional amount as may be necessary to equal the total compensation due under Title II hereof

(17) That no changes in rates of compensation made by this Act shall be retroactive in effect (June 7, 1924, c. 320, § 202, 43 Stat. 618, amended, March 4, 1925, c. 553, §§ 8, 9, 43 Stat. 1306, 1307.)

This section was amended by Act March 4, 1925, c 553, §§ 8, 9, cited above, by changing pars. 6, 7, 9, and 10 thereof to read as set forth above. Prior to this amendment pars. 6, 7, 9, and 10 read as follows

"(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and shall be furnished with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheel chairs, artificial limbs, trusses, and similar appliances may be procured by the bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: Provided, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

"(7) Where any disabled person having neither wife, child, nor dependent parent shall, after July 1, 1924, have been maintained by the bureau for a period or periods amounting to six months in a neuropsychiatric hospital or hospitals, and shall be deemed by the director to be permanently insane, the compensation for such person shall thereafter be $20 per month so long as he shall thereafter be maintained by the bureau in a neuropsychiatric hospital or hospitals, and such compensation may, in the discretion of the director, be paid to the chief officer of said hospital to be used for the benefit of such patient. Provided, however, That if such patient shall recover his reason and shall be discharged from such hospital as cured, an additional amount of $60 per month shall be paid to him for each month the rate of compensation was reduced as provided by this subdivision.

"The compensation of any inmate of an asylum or hospital for the insane or any part thereof, may, in the discretion of the director, be paid to the chief officer of said asylum or hospital to be used for the benefit of such inmate.

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled), who are being maintained by the bureau in a hospital of any description and who are without wife, child, or dependent parent, shall not exceed $40.

"(9) In addition to the care, treatment, and appliances now authorized by law, said bureau also shall provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease con-

tracted, or by reason of any aggravation of a preexisting injury or disease, specifically noted at examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, and before July 2, 1921 Provided, That the wound or injury received or disease contracted or aggravation of a preexisting injury or disease, for which such hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances shall be furnished, was incurred in the military or naval service and not caused by his own willful misconduct Provided, That where a beneficiary of the bureau suffers or has suffered an injury or contracted a disease in service entitling him to the benefits of this subdivision, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no bureau facilities are or were then feasibly available and in the judgment of the director delay would be or would have been hazardous, the director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the bureau

"(10) That all hospital facilities under the control and jurisdiction of the bureau shall be available for every honorably discharged veteran of the Spanish-American War, the Philippine Insurrection, the Boxer rebellion, or the World War suffering from neuropsychiatric or tubercular ailments and diseases paralysis agitans, encephalitis lethargica or amoebic dysentery, or the loss of sight of both eyes regardless whether such ailments or diseases are due to military service or otherwise, including traveling expenses as granted to those receiving compensation and hospitalization under this act. The director is further authorized, so far as he shall find that existing Government facilities permit, to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged without regard to the nature or origin of their disabilities Provided, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses."

The Army appropriation act for the year 1922, Act June 30, 1921, c. 33, § 1, 42 Stat. 85, and prior appropriation acts, contained the following provision "Farm products and the increase in live stock (including fowls) which accrue as incidental to vocational training in agriculture and animal husbandry shall be sold under such regulations as the Secretary of War may prescribe, and the proceeds of such sales shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts"

§ 9127½—203. Examination of applicants for compensation for disability; necessity for; neglect or refusal to submit to—Every person applying for or in receipt of compensation for disability under the provisions of this title and every person applying for treatment under the provisions of subdivisions (9) or (10) of section 202 hereof, shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he shall neglect or refuse to submit to such examination, or shall in any way obstruct the same, his right to claim compensation under this title shall be suspended until such neglect, refusal, or obstruction ceases. No compensation shall be payable while such neglect, refusal or obstruction continues, and no compensation shall be payable for the intervening period. (June 7, 1924, c. 320, § 203, 43 Stat. 622)

§ 9127½—204. Examination of persons receiving compensation for disability—Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for. (June 7, 1924, c. 320, § 204, 43 Stat. 622.)

§ 9127½—205. Review by Bureau of awards; increase or decrease of compensation—Upon its own motion or upon application the bureau may at any time review an award and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation is increased, or if compensation has been refused, reduced, or discontinued, may (subject to the provisions of section 210 hereof) award compensation in proportion to the degree of disability sustained as of the date such degree of disability began, but not earlier than the date of discharge or resignation. Except in cases of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be effective until the 1st day of the third calendar month next succeeding that in which such reduction or discontinuance is determined. (June 7, 1924, c. 320, § 205, 43 Stat. 622)

§ 9127½—206. Time of occurrence of death or disability as affecting liability therefor—No compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this Act, and except where there is an official record of the injury during service or at the time of separation from active service, or where within one year from the approval of this Act, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title, for death or disability whenever occurring, proximately resulting from such injury. (June 7, 1924, c. 320, § 206, 43 Stat. 622.)

§ 9127½—207. Official record of death prerequisite to payment of compensation for death—Compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which the person may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II of the Act of October 6, 1917. (June 7, 1924, c 320, § 207, 43 Stat. 622.)

§ 9127½—208. Arrests for crimes in hospital reservations—For the purpose of maintaining law and order and of protecting persons and property at United States Veterans' Bureau Hospitals the Director is hereby authorized to designate at such hospitals persons who shall have authority to make arrests for any crime or offense against the United States committed on the hospital reservation. Any person so arrested shall be taken forthwith before the nearest United States Commissioner, within whose jurisdiction the hospital is located. Travel and transportation expenses incident to carrying out the provisions of this section shall be paid from the appropriation for administrative expenses. (June 7, 1924, c. 320, § 208, 43 Stat 622, amended, March 4, 1925, c. 553, § 10, 43 Stat. 1308.)

This section was amended by Act March 4, 1925, c. 553, § 10, cited above, to read as set forth above. Prior to this amendment the section read as follows. "No compensation shall be payable for death inflicted as a lawful punishment for crime or military offense except when inflicted by the enemy. A dismissal or discharge by sentence of court-martial from the service shall bar and terminate all right to any compensation under the provisions of this title for the period of service from which such discharge is given."

§ 9127½—209. Time for filing claim for compensation or treatment—No compensation shall be payable and that (except as provided by subdivision (10) of section 202 hereof) no treatment shall be furnished unless a claim therefor be filed in case of disability within five years after discharge or resignation from the service, or, in case of death during the serv-

ice, within five years after such death is officially recorded in the department under which he may be serving: Provided, however, That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed two years for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases (June 7, 1924, c. 320, § 209, 43 Stat. 623)

§ 9127½–210. Payment of compensation for period prior to claim; retroactive effect of increase or reduction of compensation—No compensation shall be payable for any period more than one year prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than six months prior to the date of claim therefor Except in case of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive. (June 7, 1924, c. 320, § 210, 43 Stat. 623)

§ 9127½–211. Compensation to members of Army or Navy Nurse Corps (female)—Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916. (June 7, 1924, c 320, § 211, 43 Stat 623)

§ 9127½–212. Purpose of act; other gratuities or pensions; military or naval retirement laws; compensation to persons receiving active service or retirement pay—This Act is intended to provide a system for the relief of persons who were disabled, and for the dependents of those who died as a result of disability suffered in the military service of the United States between April 6, 1917, and July 2, 1921 For such disabilities and deaths no other pension laws or laws providing for gratuities or payments in the event of death in the service shall be applicable: Provided, however, That the laws relating to the retirement of persons in the regular military or naval service shall not be considered to be laws providing for pensions, gratuities, or payments within the meaning of this section: And provided further, That compensation under this title shall not be paid while the person is in receipt of active service or retirement pay. Titles II and IV of this Act shall not be applicable to any disability or resultant death in the service if such disability occurred as a result of service prior to April 6, 1917, or after July 2, 1921. (June 7, 1924, c. 320, § 212, 43 Stat. 623)

§ 9127½–213. Compensation to beneficiaries suffering injuries or aggravation of injuries due to training, hospitalization, or medical or surgical treatment—Where any beneficiary suffers or has suffered an injury or an aggravation of an existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded to him under the Vocational Rehabilitation Act as amended, the War Risk Insurance Act as amended, or this Act, or as a result of having submitted to examination under authority of section 303 of the War Risk Insurance Act or section 203 of this Act, and not the result of his misconduct, and such injury or aggravation of an existing injury results in additional disability to or the death of such beneficiary, the benefits of this title shall be awarded in the same manner as though such disability, aggravation, or death was the result of military service during the World War The benefits of this section shall be in lieu of the benefits under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916. Provided, That application be made for such benefits within two years after such injury or aggravation was suffered or such death occurred or after the passage of this Act whichever is the later date: Provided further, That the provisions of section 313 of the War Risk Insurance Act as amended, relating to subrogation, shall be applicable to beneficiaries under this section (June 7, 1924, c. 320, § 213, 43 Stat 623, amended, March 4, 1925, c 553, § 11, 43 Stat 1308)

This section was amended by Act March 4, 1925, c. 553, § 11, cited above, to read as set forth above Prior to this amendment the section read as follows "Where any beneficiary of this bureau suffers or has suffered an injury or an aggravation of an existing injury as the result of training, hospitalization, or medical or surgical treatment, awarded to him by the director and not the result of his misconduct, and such injury or aggravation of an existing injury results in additional disability to or the death of such beneficiary, the benefits of this title shall be awarded in the same manner as though such disability, aggravation, or death was the result of military service during the World War The benefits of this section shall be in lieu of the benefits under the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916; and from any payments due hereunder shall be deducted all amounts paid by any person other than United States as damages or compensation for such injury, aggravation, or death Provided, That application be made for such benefits within one year after such injury or aggravation was suffered or such death occurred or after the passage of this Act or whichever is the latest date"

TITLE III—INSURANCE

§ 9127½–300. Persons entitled to; amounts; time for application for; to whom payable; expense of; premium rates—In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant United States Government life insurance (converted insurance) against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided. Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person.

Where a beneficiary at the time of designation by the insured is within the permitted class of beneficiaries and is the designated beneficiary at the time of the maturity of the insurance because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed.

The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c.

320, § 300, 43 Stat 624, amended, March 4, 1925, c 553, § 12, 43 Stat. 1308)

This section was amended by Act March 4, 1925, c 553, § 12, cited above to read as set forth above. Prior to this amendment the section read as follows

"In order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department protection for themselves and their dependents, the United States, upon application to the bureau and without medical examination, shall grant insurance in such form or forms as is prescribed in section 301 hereof, against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation.

"The insurance shall be payable only to a spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law or sister-in-law, or to any or all of them, and also during total and permanent disability to the injured person

"The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ per centum per annum."

§ 9127½–301. Term insurance; conversion; forms of converted policies—Not later than July 2, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

All term insurance shall cease on July 2, 1926, except when death or total permanent disability shall have occurred before July 2, 1926.

In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided.

The insurance except as provided herein shall be payable in two hundred and forty equal monthly installments Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at 3½ per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries without the consent of such beneficiary or beneficiaries, but only within the classes herein provided

If no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance granted under the provisions of Article IV of the War Risk Insurance Act, or Title III of this Act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments: Provided, That no payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government life-insurance fund

The bureau may make provision in the contract for converted insurance for optional settlements to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. This section shall be deemed to be in effect as of June 7, 1924. (June 7, 1924, c 320, § 301, 43 Stat 624, amended, March 4, 1925, c 553, § 13, 43 Stat 1309)

This section was amended by Act March 4, 1925, c. 553, § 13, cited above, to read as set forth above Prior to this amendment the section read as follows

"Not later than July 2, 1926, all term insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance, and shall prescribe the time and method of payment of the premiums thereon, but payments of the premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election

"All term insurance shall cease on July 2, 1926, except when death or total permanent disability shall have occurred before July 2, 1926

"In case where an insured whose yearly renewable term insurance has matured by reason of total permanent disability is found and declared to be no longer permanently and totally disabled, and where the insured is required under regulations to renew payment of premiums on said term insurance, and where this contingency is extended beyond the period during which said yearly renewable term insurance otherwise must be converted, there shall be given such insured an additional period of two years from the date on which he is required to renew payment of premiums in which to convert said term insurance as hereinbefore provided.

"The bureau may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election, the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured."

§ 9127½–302. Liability of United States for matured converted insurance; funds usable for payment of; reserve fund—Whenever benefits un-

der United States Government life insurance (converted insurance) become, or have become, payable because of total permanent disability of the insured or because of the death of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the director, the liability shall be borne by the United States, and the director is hereby authorized and directed to transfer from the military and naval insurance appropriation to the United States Government life-insurance fund a sum which, together with the reserve of the policy at the time of maturity by total permanent disability or death, will equal the then value of such benefits. When a person receiving total permanent disability benefits under a United States Government life policy (converted policy), recovers from such disability, and is then entitled to continue a reduced amount of insurance, the director is hereby authorized and directed to transfer to the military and naval insurance appropriation all of the loss reserve to the credit of such policy claim except a sum sufficient to set up the then required reserve on the reduced amount of the insurance that may be continued, which sum shall be retained in the United States Government life-insurance fund for the purpose of such reserve. (June 7, 1924, c. 320, § 302, 43 Stat. 625)

§ 9127½—303. Payment of insurance to estate of deceased beneficiary; escheat to United States—If no person within the permitted class be designated as beneficiary for yearly renewable term insurance by the insured either in his lifetime or by his last will and testament or if the designated beneficiary does not survive the insured or survives the insured and dies prior to receiving all of the two hundred and forty installments or all such as are payable and applicable, there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable, said value to be computed as of date of last payment made under any existing award: Provided, That all awards of yearly renewable term insurance which are in course of payment on the date of the approval of this Act shall continue until the death of the person receiving such payments, or until he forfeits same under the provisions of this Act. When any person to whom such insurance is now awarded dies or forfeits his rights to such insurance then there shall be paid to the estate of the insured the present value of the remaining unpaid monthly installments of the insurance so awarded to such person: Provided further, That no award of yearly renewable term insurance which has been made to the estate of a last surviving beneficiary shall be affected by this amendment: Provided further, That in cases when the estate of an insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate but shall escheat to the United States and be credited to the military and naval insurance appropriation. This section shall be deemed to be in effect as of October 6, 1917. (June 7, 1924, c. 320, § 303, 43 Stat. 625, amended, March 4, 1925, c. 553, § 14, 43 Stat. 1310.)

This section was amended by Act March 4, 1925, c. 553, § 14, cited above, to read as set forth above. Prior to this amendment the section read as follows "If no person within the permitted class of beneficiaries survive the insured, or if before the completion of payments the beneficiary or beneficiaries shall die and there be no surviving person within said permitted class, then there shall be paid to the estate of the insured the present value of the monthly installments thereafter payable under the provisions of this title: Provided, That in cases where the estate of the insured would escheat under the laws of the place of his residence the insurance shall not be paid to the estate of the insured but shall escheat to the United States and shall be credited to the United States Government life-insurance fund or the military and naval insurance appropriation, as may be proper. This section shall be deemed to be in effect as of October 6, 1917"

§ 9127½—304. Lapsed or canceled insurance; reinstatement; procedure—In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with an application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this Act or within two years after the date of lapse or cancellation Provided, That the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: Provided further, That the applicant during his lifetime submits proof satisfactory to the director showing that he is not totally and permanently disabled As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of United States Government life insurance (converted insurance), the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy: And provided further, That no term insurance shall be reinstated after July 2, 1926. (June 7, 1924, c. 320, § 304, 43 Stat 625, amended, March 4, 1925, c. 553, § 15, 43 Stat. 1310.)

This section was amended by Act March 4, 1925, c. 553, § 15, cited above, to read as set forth above Prior to this amendment the section read as follows "In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant for insurance have been complied with and application for reinstatement, in whole or in part, of lapsed or canceled yearly renewable term insurance or United States Government life insurance (converted insurance) hereafter made may be approved if made within one year after the passage of this Act or within two years after the date of lapse or cancellation: Provided, That the applicant's disability (if any) is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the World War: Provided further, That the applicant during his lifetime submits proof satisfactory to the director showing the service origin of the disability or aggravation thereof and that the applicant is not totally and permanently disabled As a condition, however, to the acceptance of an application for the reinstatement of lapsed or canceled yearly renewable term insurance, where the requirements as to the physical condition of the applicant have not been complied with, or, for the reinstatement of United States Government life insurance (converted insurance) in any case, the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest of the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy Provided further, That no term insurance shall be reinstated after July 2, 1926"

§ 9127½—305. Same; persons suffering from compensation disability—Where any person has heretofore allowed his insurance to lapse while suffering from a compensable disability for which compensation was not collected and dies or has died, or becomes or has become permanently and totally disabled and at the time of such death or permanent total disability was or is entitled to compensation remaining uncollected, then and in that event so much of his insurance as said uncollected compensation, computed in all cases at the rate provided by section 302 of the War Risk Insurance Act as amended December 24, 1919, would purchase if applied as premiums when due, shall not be considered as lapsed; and the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier, or his

beneficiaries as the case may be the amount of said insurance less the unpaid premiums and interest thereon at 5 per centum per annum compounded annually in installments as provided by law. (June 7, 1924, c. 320, § 305, 43 Stat 626.)

§ 9127½–306. Waiver of lapse of yearly renewable term insurance from non-payment of premiums; regulations for—The bureau is authorized to make provisions in accordance with regulations, whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of the following persons, to wit. (a) Those who are confined in hospital under said bureau for a compensable disability during the period while they are so confined, (b) those who are rated as temporarily totally disabled by reason of any injury or disease entitling them to compensation during the period of such total disability and while they are so rated, (c) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed, allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian, the waiver in such cases to be made without application and retroactive when necessary: Provided, That such relief from payment of premiums on yearly renewable term insurance on the due date thereof shall be for full calendar months, beginning with the month in which said confinement to hospital, temporary total disability rating, or in cases of mental incompetents for whom no guardian has been appointed with the month in which such rating or mental incompetency began or begins and ending with that month during the half or major fraction of which the person is confined in hospital is rated as temporarily totally disabled or had or has no legal guardian while rated as mentally incompetent or until a guardian has notified the bureau of his qualification, but not later than six months after appointment as guardian: Provided further, That all premiums the payment of which when due is waived as above provided shall bear interest at the rate of 5 per centum per annum, compounded annually from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder or when the same matures either because of permanent total disability or death: And provided further, That in the event any lien or other indebtedness established by this Act exists against any policy of converted insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of converted insurance for any reason other than by death or total permanent disability the director is hereby authorized to transfer and pay from the military or naval insurance appropriation to the United States Government life insurance fund a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value. (June 7, 1924, c. 320, § 306, 43 Stat. 626.)

§ 9127½–307. Policies incontestable; exceptions; contest defined—All such policies of insurance heretofore or hereafter issued shall be incontestable after the insurance has been in force six months from the date of issuance or reinstatement, except for fraud or nonpayment of premiums and subject to the provisions of section 23: Provided, That a letter mailed by the bureau to the insured at his last known address informing him of the invalidity of his insurance shall be deemed a contest within the meaning of this section: Provided further, That this section shall be deemed to be in effect as of April 6, 1917. (June 7, 1924, c 320, § 307, 43 Stat. 627.)

TITLE IV

§ 9127½–400. Vocational rehabilitation; persons entitled to; rehabilitation already commenced—Every person who was enlisted, enrolled, drafted, inducted, or appointed in the military or naval forces of the United States, including members of training camps authorized by law and who, has resigned or has been discharged or furloughed therefrom, having a disability incurred, increased, or aggravated after April 6, 1917, and before July 2, 1921, in the military or naval service and not the result of his own willful misconduct, while a member of such forces, or later developing a disability traceable in the opinion of the director to service during said period with such forces, and not the result of his own willful misconduct, and who, in the opinion of the director, is in need of vocational rehabilitation to overcome the handicap of such disability, shall be furnished by the bureau, where vocational rehabilitation is feasible, such course of vocational rehabilitation as the bureau shall prescribe and provide: Provided, That nothing in this section shall operate to terminate any course of vocational training heretofore prescribed and actually commenced under the Vocational Rehabilitation Act as originally enacted and subsequently amended where such course was actually commenced prior to the approval of this Act. (June 7, 1924, c. 320, § 400, 43 Stat. 627)

§ 9127½–401. Same; maintenance and support allowance to persons undergoing; amounts—The bureau shall have the power, and it shall be its duty until June 30, 1926, to furnish the persons included in section 400 hereof suitable courses of vocational rehabilitation, to be prescribed and provided by the bureau, and every person electing to follow such a course of vocational rehabilitation shall, while following the same, be paid by the bureau monthly or semimonthly as the director may prescribe such sum as in the judgment of the director is necessary for his maintenance and support and for the maintenance and support of persons depending upon him, if any: Provided, however, That in no event shall the sum so paid such person while pursuing such course be more than $80 per month for a single man without dependents, or for a man with dependents $100 per month plus the following family allowances:

(a) If there is a wife, but no child, $15

(b) If there is a wife and one child, $25, with $5 per month additional for each additional child.

(c) If there is no wife, but one child, $10

(d) If there is no wife, but two children, $15, with $5 per month additional for each additional child

That the bureau may pay, subject to the conditions and limitations prescribed by this title, to all trainees undergoing training hereunder, residing where the cost of maintenance and support is above the average and comparatively high, in lieu of the monthly payments for maintenance and support prescribed by this title, such sum as in the judgment of the director is necessary for the trainee's maintenance and support and for the maintenance and support of persons dependent upon him, if any: Provided, however, That in no event shall the sum so paid such person while pursuing such course be more than $100 per month for a single man without dependents or for a man with dependents $120 per month, plus the several sums prescribed as family allowances under this section: Provided further, That payments for the support and maintenance of persons dependent upon any trainee of the bureau as provided herein may, in the discretion of the director, be paid either direct to such dependent or dependents or to the

trainee upon whom they are dependent (June 7, 1924, c. 320, § 401, 43 Stat 627.)

§ 9127½–402. Same; other persons entitled to for limited period—Until June 30, 1926, the courses of vocational training provided for under this Act shall, as far as practicable, and under such conditions as the director may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Title II hereof and who is not included in section 400 hereof (June 7, 1924, c. 320, § 402, 43 Stat 628)

§ 9127½–403. Same; failure to commence training; time for commencement of training—No person who has been declared eligible for training under the provisions of this title, for whom training has been prescribed, and who has been notified by the bureau to begin training, shall be eligible to the benefits of this title in the event of his failure to commence training within a reasonable time after notice has been sent such person by the bureau. Provided further, That, except when such failure is due, in the opinion of the director, to physical incapacity, such time shall not be longer than twelve months after notice shall have been given for persons declared eligible and notified to begin training. And provided further, That no training shall be furnished to any person under any of the provisions of this title unless such person shall actually commence such training on or before June 30, 1925. (June 7, 1924, c 320, § 403, 43 Stat 628)

§ 9127½–404. Same; test for rehabilitation; maintenance and support allowance and liability of United States to cease, when—The test of rehabilitation shall be employability, to be determined by the director. The allowance for maintenance and support provided by this title shall be payable for two months after the employability of the rehabilitated person is determined, and thereupon all duty and obligation of the United States toward such person with respect to his vocational rehabilitation shall cease and determine. (June 7, 1924, c. 320, § 404, 43 Stat. 628)

§ 9127½–405. Same; time for application for vocational training—Vocational training provided by this Act shall be granted to persons entitled under the provisions of said title only where application therefor has been made on or prior to June 30, 1923. (June 7, 1924, c. 320, § 405, 43 Stat. 628.)

§ 9127½–406. Same; time after which training and allowance shall not be granted—No vocational training shall be granted or continued to any person whatsoever after June 30, 1926, and no training allowance shall thereafter be paid to any person. (June 7, 1924, c. 320, § 406, 43 Stat. 628.)

§ 9127½–406½. Sale by Director of surplus vocational training material, supplies, and equipment—Under such regulations as the director may prescribe he is hereby authorized to sell at 90 per cent of the appraised valuation to rehabilitated trainees of the United States Veterans' Bureau, trade, technical, and public schools and universities, and other recognized educational institutions, upon application in writing, such surplus material, supplies, and equipment acquired for the purpose of vocational training as are suitable for their use which are now owned by the United States of America and under control of the United States Veterans' Bureau and are not needed for Government purposes. (March 3, 1925, c. 468, § 1, 43 Stat. 1211.)

From the Executive office and independent, executive bureaus, boards, commissions, and offices appropriation act for the year 1926, cited above. Prior appropriation acts have contained similar provisions.

§ 9127½–407. Equipment and supplies retained by trainees—The director is authorized to make provisions by regulation whereby trainees of the United States Veterans' Bureau who have successfully completed their courses or such part of their courses as enables them to enter employment or business in line with their training shall be allowed to retain such equipment, supplies, and books as the director may by regulation prescribe. (June 7, 1924, c 320, § 407, added, March 4, 1925, c. 553, § 16, 43 Stat. 1311)

Added to the World War Veterans' Act, 1924, by Act March 4, 1925, c 553, § 16, cited above.

TITLE V—PENALTIES

§ 9127½–500. Amount permitted to be paid agents or attorneys; solicitation, etc., of unauthorized fees or compensation; punishment—Except in the event of legal proceedings under section 19 of Title I of this Act, no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and Veterans of Foreign Wars, and such other organizations as shall be approved by the director shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV of this Act, and payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed $10 in any one case: Provided, however, That wherever a judgment or decree shall be rendered in an action brought pursuant to section 19 of Title I of this Act the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per centum of the amount recovered and to be paid by the bureau out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment (June 7, 1924, c. 320, § 500, 43 Stat. 628, amended, March 4, 1925, c 553, § 17, 43 Stat. 1311.)

This section was amended by Act March 4, 1925, c 553, § 17, cited above, to read as set forth above. Prior to this amendment the section read as follows:

"Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed $10 in any one case.

"Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years or by both such fine and imprisonment Provided, That the provisions of this section shall not apply to professional services required in the prosecution of any action in any court of law"

§ 9127½–501. False statements; punishment—Whoever in any claim for compensation, insurance, or maintenance and support allowance, or in any document required by this Act, or by regulation made under this Act, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both. (June 7, 1924, c. 320, § 501, 43 Stat. 628.)

§ 9127½–502. Fraudulent acceptance of payments; punishment—If any person entitled to pay-

ment of compensation, or maintenance and support allowance under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both. (June 7, 1924, c. 320, § 502, 43 Stat 629.)

§ 9127½–503. Receiving money, etc., without being entitled thereto; punishment—That whoever shall obtain or receive any money, check, compensation, insurance, or maintenance and support allowance under the War Risk Insurance Act as amended, the Vocational Rehabilitation Act as amended, or the World War Veterans' Act, 1924, and any amendments thereto without being entitled to the same, and with intent to defraud the United States or any beneficiary of the United States Veterans' Bureau shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (June 7, 1924, c. 320, § 503, 43 Stat. 629, amended, March 4, 1925, c. 553, § 18, 43 Stat. 1311)

This section was amended by Act March 4, 1925, c. 553, § 18, cited above, to read as set forth above. Prior to this amendment the section read as follows: "Whoever shall obtain or receive any money, check, compensation, insurance, or maintenance and support allowance under Titles II, III, or IV of this Act without being entitled thereto, with intent to defraud the United States or any person in the military or naval forces of the United States, shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both."

§ 9127½–504. False or fraudulent affidavits, etc.; punishment—Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim or the approval of any claim for compensation or maintenance and support allowance, or the payment of any money, for himself or for any other person, under Titles II or IV hereof, shall forfeit all rights, claims, and benefits under said titles, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense. (June 7, 1924, c. 320, § 504, 43 Stat. 629, amended, March 4, 1925, c. 553, § 19, 43 Stat 1312.)

This section was amended by Act March 4, 1925, c. 553, § 19, cited above, to read as set forth above. Prior to this amendment the section read as follows: "Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper or writing purporting to be such, concerning any claim or the approval of any claim for compensation, or the payment of any money, for himself or for any other person, under Title II hereof, shall forfeit all rights, claims, and benefits under such Title II, and in addition to any and all other penalties imposed by law shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, for each such offense."

§ 9127½–505. Embezzlement by guardian, etc.; punishment—Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of the claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the War Risk Insurance Act as amended, or under the World War Veterans' Act, 1924, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust or fraudulently convert the same to his own use, shall be punished by fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both. (June 7, 1924, c 320, § 505, added, March 4, 1925, c. 553, § 20, 43 Stat 1312)

Added to the World War Veterans' Act, 1924, by Act March 4, 1925, c. 553, § 20, cited above

TITLE VI—MISCELLANEOUS PROVISIONS

§ 9127½–600. Acts repealed—The following Acts are hereby repealed, subject to the limitations provided in section 602 of this title

(1) An Act entitled "An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914.

(2) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved August 11, 1916.

(3) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914," approved March 3, 1917.

(4) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved June 12, 1917.

(5) An Act entitled "An Act to amend an Act entitled 'An Act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917; saving and excepting from repeal sections 313 and 314 of Article III of said Act.

(6) An Act entitled "An Act to amend the War Risk Insurance Act," approved July 11, 1918. (June 7, 1924, c 320, § 600, 43 Stat. 629)

For enumeration of acts and parts of acts repealed by this section and the section next following, see ante, notes to Chapter Eleven B of Title VII, Title XII BB, and Title XVI B. See, also, ante, notes to §§ 514a-514w, 967¼-967¼m, 3078½a-3078½i.

§ 9127½–601. Same; application of this act in lieu of repealed acts—The following Acts are hereby repealed. The sections of this codification herein applicable thereto shall be in force in lieu thereof, subject to the limitations contained in this title.

(1) The War Risk Insurance Act as amended.

(2) The Vocational Rehabilitation Act as amended.

(3) The Act entitled "An Act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and, further, to amend and modify the War Risk Insurance Act." (June 7, 1924, c. 320, § 601, 43 Stat. 629)

See ante, note to § 9127½–600.

§ 9127½–602. Same; acts, proceedings, etc., under repealed acts not affected—The repeal of the several Acts as provided in sections 600 and 601 hereof shall not affect any act done or any right or liability accrued, or any suit commenced before the said repeal, but all such rights and liabilities under said Acts shall continue and may be enforced in the same manner as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof. (June 7, 1924, c. 320, § 602, 43 Stat. 630.)

§ 9127½–603. Same; offenses, etc., under repealed acts not affected—All offenses committed and all penalties or forfeiture incurred under any law embraced in this codification prior to said repeal may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made. (June 7, 1924, c. 320, § 603, 43 Stat. 630.)

§ 9127½—604. Same; limitation laws not affected—All Acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses embraced in this codification and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made (June 7, 1924, c. 320, § 604, 43 Stat 630)

§ 9127½—605. Partial invalidity of act—If any clause, section, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered. (June 7, 1924, c. 320, § 605, 43 Stat. 630)

TITLE LVIII—THE PUBLIC HEALTH

Chapter A—The Public Health Service

§ 9129a. (1) Rates of pay; pay periods—Beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000, the fifth period, $3,500; and the sixth period, $4,000.

(2) Pay of sixth period; to whom payable—The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed twenty-six years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, Act of June 3, 1916, as amended by the Act of June 4, 1920, to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard who have completed thirty years' service; and to the Chief of Chaplains of the Army.

(3) Pay of fifth period; to whom payable—The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed twenty years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed twenty-three years' service: Provided, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing twenty years' service

(4) Pay of fourth period; to whom payable—The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period, to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed fourteen years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seventeen years' service, except those whose promotion is limited by law to this grade and who are not entitled under existing law to the pay and allowances of a higher grade; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

(5) Pay of third period; to whom payable—The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier, to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed ten years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

(6) Pay of second period; to whom payable—The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

(7) Pay of first period; to whom payable—The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

(8) Pay of certain officers during existence of state of war—During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenants of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

(9) Increase for length of service; maximum; no increase of pay of retired officers—Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years. Provided, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750 Nothing contained in the first sentence of section 17 or in any other section of this Act shall authorize an increase in the pay of officers or warrant officers on the retired list on June 30, 1922

(10) Service to be counted for pay purposes—For officers appointed on and after July 1, 1922, no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President For officers in the service on June 30, 1922, there shall be included in the computation all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, and service as a contract surgeon serving full time, shall be included in the computation.

The Naval Reserve Force, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the Old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Navy Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c. 374, 43 Stat. 1080 The United States Marine Corps Reserve, established under Act Aug. 29, 1916, c 417, 39 Stat. 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz., the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 1925, c. 374, 43 Stat. 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions in law relating to the old Naval Reserve Force the United States Marine Corps Reserve and the Naval Militia, contained in Act Aug. 29, 1916, c. 417, 39 Stat 556, Act March 4, 1917, c. 180, 39 Stat. 1168, Act April 25, 1917, c. 5, 40 Stat. 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c. 18, 40 Stat. 84, Act May 22, 1917, c. 20, 40 Stat. 84, Act July 1, 1918, c 114, 40 Stat. 704, Act July 11, 1919, c. 9, 41 Stat 131, Act June 4, 1920, c. 228, 41 Stat. 812, and Act July 12, 1921, c. 44, 42 Stat. 122, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, are repealed, except the provisions of Act June 10, 1922, c 212, 42 Stat. 625, relating to such organizations. See §§ 2900¾—1 to 2900¾—40 and notes thereunder.

(11) Pay of persons serving, not as commissioned officers, but whose existing pay is equivalent to that of commissioned officers of certain enumerated grades; pay of contract surgeons; pay of commissioned warrant officers—The provisions of this Act shall apply equally to those persons serving, not as commissioned officers in the Army, or in the other services mentioned in the title of this Act, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. * * Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after twelve years' commissioned service, receive the pay of the third period: Provided, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. * * (June 10, 1922, c. 212, § 1, 42 Stat. 625)

This section, and §§ 9129a(1)-9129a(5), 9129a(6), 9129a(7), 9129a(8), 9129a(9), 9129a(10), 9129a(11)-9129a(14), post, are §§ 1-8, 12, 15-17, 21, 22, of an act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," cited above, as amended

Section 9 relates only to the Army and the Marine Corps, and is set forth ante, §§ 2089a(9), 2815a(8), section 10 relates only to the Navy and the Coast Guard, and is set forth ante, §§ 2815a(9)-2815a(11), 8459½a(3h)-8459½a(3l), section 11 relates only to the Army, the Navy, and the Coast Guard, and is set forth ante, §§ 2089a(10), 2815a(12), 8459½a(3k), section 13 relates only to the Army and the Navy, and is set forth ante, §§ 2089a(13), 2815a(15), section 14 relates only to the National Guard, and is set forth ante, §§ 3044uu, 3044v(2), section 18 relates only to the Army, the Navy, and the Coast Guard, and is set forth ante, §§ 2089a(17), 2815a(19), 8459½a(3q), section 19 relates only to the Military Academy and the Coast Guard, and is set forth ante, §§ 2266a, 8459½a(3r), section 20 relates only to the Army, the Navy, and the Coast Guard, and is set forth ante, §§ 2089a(18), 2815a(20), 3044uu(1), 8459½a(3s)

The omitted portions of this paragraph relate only to the Army and the Marine Corps, and are set forth ante, §§ 2089a(1), 2815a,

This act, or such portions thereof as are applicable, is also set forth ante under the titles "The Army," "The Navy," "The Militia," "The Coast Guard," and "The Coast and Geodetic Survey" See, also, ante, § 2089a(1), and notes thereunder.

§ 9129a(1). Same; no increase of pay for field or sea duty—No commissioned officer while on field or sea duty shall receive any increase of his pay or compensation by reason of such duty. (June 10, 1922, c. 212, § 2, 42 Stat 627)

See note to § 9129a, ante

§ 9129a(2). Rates of pay; pay of officers of National Guard or of reserve forces authorized to receive Federal pay; increase—When officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay provided but not exceeding the maximum pay prescribed by law, an increase thereof at the per centum and time rates up to thirty years provided in the tenth paragraph of section 1. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this Act, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions. (June 10, 1922, c. 212, § 3, 42 Stat. 627, amended, May 31, 1924, c. 224, § 1, 43 Stat. 250.)

This section was amended by Act May 31, 1924, c. 224, § 1, cited above, by adding the second sentence as set forth above. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

The Naval Reserve Force, established under Act Aug 29,

1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Naval Reserve, consisting of three classes, viz, the Fleet Naval Reserve, the Merchant Marine Naval Reserve and the Volunteer Naval Reserve, and all officers and men, members of the old Fleet Naval Reserve, the old Naval Reserve, or the old Naval Reserve Flying Corps of the Naval Reserve Force, are transferred to the newly created Fleet Naval Reserve, and all officers and men, members of the old Naval Auxiliary Reserve of the Naval Reserve Force, are transferred to the newly created Merchant Marine Naval Reserve, and members of the old Naval Reserve Force, whose status in the newly created Naval Reserve is not otherwise specifically established, are transferred to the newly created Volunteer Naval Reserve, by section 1 of Act Feb 28, 1925, c 374 43 Stat 1080 The United States Marine Corps Reserve, established under Act Aug 29, 1916, c 417, 39 Stat 556, is abolished, and in lieu thereof there is created a Marine Corps Reserve, consisting of two classes, viz, the Fleet Marine Corps Reserve and the Volunteer Marine Corps Reserve, by section 2 of said Act Feb 28, 1925, c 374, 43 Stat 1080 By section 3 of said Act Feb 28, 1925, c 374, all provisions of law relating to the old Naval Reserve Force, the United States Marine Corps Reserve, and the Naval Militia, contained in Act Aug 29, 1916, c 417, 39 Stat 556, Act March 4, 1917, c 180, 39 Stat 1168, Act April 25, 1917, c 5, 40 Stat 37, Act April 25, 1917, c 9, 40 Stat. 38, Act May 22, 1917, c 18, 40 Stat 81, Act May 22, 1917, c 20, 40 Stat 84, Act July 1, 1918, c 111, 40 Stat 704, Act July 11, 1919, c 9, 41 Stat 131, Act June 4, 1920, c 228, 41 Stat 812, and Act July 12, 1921, c. 14, 42 Stat 123, and all other acts or parts of acts relating to the Naval Reserve Force, the United States Marine Corps Reserve and the Naval Militia, are repealed, except the provisions of Act June 10, 1922 c 212 42 Stat 625, relating to such organizations. See §§ 2000½—1 to 2000½—40, and notes thereunder

See note to § 9129a, ante.

§ 9129a(3). Same; "dependent" defined—The term "dependent" as used in the succeeding sections of this Act shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age It shall also include the mother of the officer provided she is in fact dependent on him for her chief support. (June 10, 1922, c 212, § 4, 42 Stat. 627.)

See note to § 9129a, ante

§ 9129a(4). Money allowance for subsistence—Each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, shall be entitled at all times, in addition to his pay, to a money allowance, for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: Provided, That, an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 10, 1922, c 212, § 5, 42 Stat. 628.)

See note to § 9129a, ante

§ 9129a(5). Money allowance for rental of quarters—Except as otherwise provided in the fourth paragraph of this section, each commissioned officer below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, while either on active duty or entitled to active duty pay shall be entitled at all times to a money allowance for rental of quarters The amount of such money allowance for the rental of quarters shall be determined by the rate for one room to be fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the cost of rents in the United States for the preceding calendar year, as compared with rents for the calendar year 1922 Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years.

To an officer having a dependent, receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to such an officer, receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to such an officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that of five rooms, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms.

An officer having no dependent, receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms

No rental allowance shall accrue to an officer, having no dependents, while he is on field or sea duty, nor while an officer with or without dependents is assigned as quarters at his permanent station the number of rooms provided by law for an officer of his rank or a less number of rooms in any particular case wherein, in the judgment of competent superior authority of the service concerned, a less number of rooms would be adequate for the occupancy of the officer and his dependents.

Regulations in execution of the provisions of this section in peace and in war shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned, including adjunct forces thereof. (June 10, 1922, c. 212, § 6, 42 Stat 628, amended May 31, 1924, c. 224, § 2, 43 Stat 250.)

This section was amended by Act May 31, 1924, c. 224, § 2, cited above, to read as set forth above Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922 Prior to this amendment the section read as follows: "Each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this Act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field

or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty."

See note to § 9129a, ante.

§ 9129a(5¼). Money allowances to reserve officers and warrant officers while on active duty—Officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the National Defense Act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the Pay Readjustment Act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay Act, and payments heretofore made, or accruing under the operation of this section, hereby made retroactive in effect, for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated. (March 4, 1923, c. 281, § 1, 42 Stat 1507.)

This section is § 1 of an act entitled "An act entitled 'An act to extend the benefits of section 14 of the Pay Readjustment Act of June 10, 1922, to validate certain payments made to National Guard and reserve officers, and for other purposes,' " cited above.

§ 9129a(6). Rates of pay; maximum of base pay; pay for length of service and allowances for subsistence and rental of quarters—When the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this Act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,200. Provided, That this section shall not apply to the Captain Commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey. (June 10, 1922, c. 212, § 7, 42 Stat. 628.)

See note to § 9129a, ante.

§ 9129a(7). Same; base pay and money allowances for subsistence and rental of quarters of Surgeon General of Public Health Service; maximum—Commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000; and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 5 of this Act for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 6 of this Act for officers receiving the pay of the sixth period: Provided, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500; when serving in the grade of admiral or as Chief of Naval Operations, $2,200. (June 10, 1922, c. 212, § 8, 42 Stat. 629)

See note to § 9129a, ante

§ 9129a(7a). Computation of longevity pay of enlisted men of Public Health Service—All enlisted men of all the services mentioned in the title of this Act who serve as warrant or commissioned officers in any of said services, including adjunct forces thereof, shall be credited with all active service so performed during the period from April 6, 1917, to December 31, 1921, in the computation of their enlisted service for longevity pay purposes, and shall be paid accordingly (June 10, 1922, c. 212, § 10, amended, May 31, 1924, c. 224, § 3, 43 Stat. 251)

This section was added to § 10 of Act June 10, 1922, c 212, by Act May 31, 1924, c. 224. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922. See ante, §§ 2815a(11a), 2815a(11b)

§ 9129a(8). Mileage allowance to officers; travel expenses—Officers of any of the services mentioned in the title of this Act, when traveling under competent orders without troops, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this Act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this Act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty. (June 10, 1922, c. 212, § 12, 42 Stat. 631.)

See note to § 9129a, ante

§ 9129a(8a). Travel expenses for travel on government owned vessels—Officers of the Public Health Service performing travel by Government-owned vessels for which no transportation fare is charged shall only be entitled to reimbursement of actual and necessary expenses incurred. (Jan. 22, 1925, c. 87, title I, 43 Stat. 774.)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above

§ 9129a(9). Money allowance in lieu of transportation in kind for dependents of commissioned and enlisted personnel—In lieu of the transportation in kind authorized by section 12 of an Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for depend-

ents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed Dependent children shall be such as are defined in section 4 of this Act (June 10, 1922, c 212, § 12, 42 Stat 631)

See note to § 9129a, ante

§ 9129a(10). Laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light repealed—Existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed, effective July 1, 1922 (June 10, 1922, c. 212, § 15, 42 Stat 632.)

See note to § 9129a, ante

§ 9129a(10½). Heat and light prohibited to persons receiving allowances for rental of quarters—Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922. (March 2, 1923, c 178, title I, 42 Stat 1385.)

From the War Department appropriation act for the year 1924, cited above

§ 9129a(11). Rates of pay; existing pay of officers and persons whose pay is based upon pay of commissioned officers not reduced—Nothing contained in this Act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the Act entitled "An Act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this Act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating. (June 10, 1922, c. 212, § 16, 42 Stat. 632)

See note to § 9129a, ante

§ 9129a(12). Retired pay; officers and warrant officers; no promotion of retired officers for active duty; pay and allowances of retired officers when on active duty—On and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this Act: Provided, That nothing contained in this Act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this Act. Provided, That the pay saved to an officer by section 16 of this Act or by the Act of September 14, 1922, shall be construed as the pay provided in this Act for the purpose of computing retired pay. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. * * (June 10, 1922, c. 212, § 17, 42 Stat. 632, amended, May 31, 1924, c. 224, § 6, 43 Stat. 252.)

This section was amended by Act May 31, 1924, c 224, § 6, cited above, by adding the second proviso Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922.

The omitted portions of this section relate only to the Army, the Navy, the Coast Guard, and the Coast and Geodetic Survey, and are set forth ante, §§ 2089a(16), 2815a (18), 8159½a(3p), 8502ee(12).

See note to § 9129a, ante

§ 9129a(13). Existing laws and regulations not changed; allowances in kind for rations, quarters, heat, and light, etc.—Nothing in this Act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the enlisted men of the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets, nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers, nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents, nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men, nor additional pay for aides, nor extra pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines, nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress: Provided, That the pay and allowances of the members of the Naval Academy Band shall be not less than that which was authorized for the various ranks and ratings in said bands on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that date (June 10, 1922, c. 212, § 21, 42 Stat. 633, amended, May 31, 1924, c. 224, § 5, 43 Stat. 251.)

This section was amended by Act May 31, 1924, c. 224, § 5, cited above, by adding the proviso. Section 7 of said amendatory act provides that the act shall be effective from and after July 1, 1922

See note to § 9129a, ante.

§ 9129a(14). Time of taking effect of act; inconsistent laws repealed—The provisions of this Act shall be effective beginning July 1, 1922, and all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed as of that date. (June 10, 1922, c. 212, § 22, 42 Stat. 633.)

See note to § 9129a, ante.

§ 9135.

For current appropriation for salaries in the office of the Surgeon General, see Act Jan. 22, 1925, c 87, title I, 43 Stat. 774

§ 9136a. Allotments of pay—Hereafter the Secretary of the Treasury is authorized to permit officers of the Public Health Service to make allotments from their pay under such regulations as he may prescribe. (June 5, 1920, c. 235, § 1, 41 Stat. 883)

From the sundry civil appropriation act for the year 1921, cited above It has been repeated in prior acts without the word "hereafter."

§ 9136aa. Reserve of Public Health Service—For the purpose of securing a reserve for duty in the Public Health Service in time of national emergency there shall be organized, under the direction of the Secretary of the Treasury, under such rules and regulations as the President shall prescribe, a reserve of the Public Health Service. The President alone shall be authorized to appoint and commission as officers in the said reserve such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions, and said commissions shall be in force for a period of five years, unless sooner terminated in the discretion of the President, but commission in said reserve shall not exempt the holder from military or naval service. Provided, That the officers commissioned under this Act, none of whom

shall have rank above that of assistant surgeon general, shall be distributed in the several grades in the same proportion as now obtains among the commissioned medical officers of the United States Public Health Service and shall at all times be subject to call to active duty by the Surgeon General and when on such active duty shall receive the same pay and allowances as are now provided by law and regulation for the commissioned medical officers in the said regular commissioned medical corps (Oct. 27, 1918, c 196, 40 Stat. 1017.)

This section is a resolution entitled a "Joint Resolution to establish a reserve of the Public Health Service," cited above.

§ 9139a. Details from Service; for work with Bureau of Mines—The Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines. (May 24, 1922, c. 199, 42 Stat 588. Jan 24, 1923, c. 42, 42 Stat 1210 June 5, 1924, c. 264, 43 Stat. 422. March 3, 1925, c 462, 43 Stat. 1175.)

From the Interior Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 9139b. Same; to Department of Agriculture—Hereafter the Secretary of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of the food and drugs Act, approved June thirtieth, nineteen hundred and six, and amended August twenty-third, nineteen hundred and twelve, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for enforcement of said Act. (Oct. 1, 1918, c. 178, 40 Stat. 992)

From the agricultural appropriation act for the year 1919, cited above

§ 9141b. Longevity pay; credit for service in Army, Navy, Marine Corps, and Coast Guard—Officers of the Public Health Service shall be credited with service in the Army, Navy, Marine Corps, and the Coast Guard in computing longevity pay. (March 6, 1920, c. 94, § 1, 41 Stat. 507.)

This section, and the section next following, are provisions of the deficiency appropriation act for the year 1920, and prior years, cited above.

§ 9141c. Purchase of Quartermaster supplies—Hereafter officers of the Public Health Service may purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price as is charged officers of the Army, Navy and Marine Corps (March 6, 1920, c. 94, § 1, 41 Stat. 507.)

See note to § 9141b, ante.

§ 9142a. Buildings for laboratory and research work—That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the construction of an additional building for laboratory purposes and research work and for enlarging and remodeling the present animal house connected with the Hygienic Laboratory, Public Health Service, Washington, District of Columbia, at a limit of cost of $250,000

In carrying the foregoing authorization for additional buildings to the Hygiene Laboratory into effect, the Secretary of the Treasury may enter into contracts or purchase materials in the open market, or otherwise, and employ laborers and mechanics for executing the work as in his judgment may best meet the public exigencies, within the limits of the authorization herein made. (Oct 30, 1918, c. 198, 40 Stat. 1018)

This section is an act entitled "An act authorizing the construction of a building for the Public Health Service in the city of Washington, District of Columbia," cited above

§ 9149a. Spanish influenza; appropriation—To enable the Public Health Service to combat and suppress "Spanish influenza" and other communicable diseases by aiding State and local boards of health, or otherwise, including pay and allowances of medical and sanitary personnel, medical and hospital supplies, printing, clerical services, and rent in the District of Columbia and elsewhere, transportation, freight, and such other expenses as may be necessary, there is appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000, to be available until June thirtieth, nineteen hundred and nineteen. (Oct. 1, 1918, c. 179, § 1, 40 Stat. 1008.)

This section, and the section next following, are a resolution, entitled "Joint Resolution to aid in combating, 'Spanish Influenza' and other communicable diseases," cited above

§ 9149b. Same; use of Army and Navy Medical Departments, and Public Health Service—The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury are authorized and directed, respectively, to utilize jointly the personnel and facilities of the Medical Department of the Army, the Medical Department of the Navy, and the Public Health Service, so far as possible, in aiding to combat and suppress the said diseases. (Oct. 1, 1918, c. 179, § 2, 40 Stat 1008)

See note to § 9149a, ante

§ 9149c. Limitation on expenditure of appropriations—Appropriations herein or hereafter made for the Public Health Service shall not be expended for advertising in newspapers, magazines, or periodicals for any purpose other than the procurement of necessary employees and bids for necessary services, supplies, materials, and equipment (March 4, 1921, c. 161, § 1, 41 Stat. 1378.)

From the sundry civil appropriation act for the year 1922, cited above. The same provision is contained in prior acts.

§ 9149d. Computation of length of service of officers of Public Health Service—In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted. (May 28, 1924, c. 203, 43 Stat. 194. Feb. 11, 1925, c. 209, 43 Stat. 872.)

From the Navy Department and Naval service appropriation act for the year 1926, cited above A similar provision is contained in a prior act.

Chapter B—Sanitation and Quarantine

§ 9157. Bill of health; contents; fees; detail of medical officer at consulate; vessel clearing without bill; vessels from ports near frontier—Any vessel at any foreign port clearing or departing for any port or place in the United States or its possessions or other dependencies or any vessel at any port in the possessions or other dependencies of the United States clearing or departing for any port or place in the United States or its possessions or other dependencies, shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health in duplicate, in the form prescribed by the Secretary of the

Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The provisions of the preceding paragraph shall not apply to vessels operating exclusively in trade between foreign ports on or near the northern frontier of the United States and ports in the United States, but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto; but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels. (Feb 15, 1893, c 114, § 2, 27 Stat 450, amended, Aug 18, 1894, c. 300, 28 Stat. 372, Feb. 27, 1921, c 80, 41 Stat. 1149, and Feb. 7, 1925, c. 146, 43 Stat. 809.)

This section was again amended by Act Feb. 27, 1921, c 80, 41 Stat 1149, cited above to read as follows

"Any vessel at any foreign port clearing or departing for any port or place in the United States or its possessions or other dependencies or any vessel at any port in the possessions or other dependencies of the United States clearing or departing for any port or place in the United States or its possessions or other dependencies, shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true, and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases

"The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing, and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States

"The provisions of this section shall not apply to vessels plying between foreign ports on or near the frontiers of the United States and ports of the United States adjacent thereto, but the Secretary of the Treasury is hereby authorized, when, in his discretion, it is expedient for the preservation of the public health, to establish regulations governing such vessels"

It was again amended by Act Feb 7, 1925, c 146, cited above, to read as set forth above

§ 9160a. Cost of fumigation and disinfection of foreign vessels—Hereafter the cost of fumigation and disinfection shall be charged vessels from foreign ports at rates to be fixed by the Secretary of the Treasury. (April 17, 1917, c. 3, § 1, 40 Stat 6)

This section is a provision accompanying an appropriation for the Public Health Service in the deficiency appropriation act for the year 1917, and prior years, cited above

§ 9167.

The removal of the quarantine station at Fort Morgan, Alabama, to Sand Island, near the entrance of the port of Mobile, Alabama, and to construct on Sand Island a new station, is authorized by Act Feb 19, 1925, c 266, 43 Stat 950

§ 9167a. Schedule of fees for vessels at quarantine stations—On and after July 1, 1921, the Secretary of the Treasury is authorized and directed to promulgate such a schedule of fees to be charged vessels at each of the national quarantine stations as will be fair and reasonable for the services rendered by each station: Provided, That this authority shall not be applicable to any quarantine station where the fees are now fixed by law. (June 16, 1921, c. 23, § 1, 42 Stat. 38.)

From the "Second Deficiency Act, fiscal year 1921," cited above.

See post, § 9172a.

§ 9172a. Fees and charges at New York Quarantine Station—The schedule of fees and rates of charges in effect at the New York Quarantine Station at the time of the transfer of the title thereto to the United States shall be adopted and promulgated by the Secretary of the Treasury as the schedule of fees and rates of charges for the operation of the said station under the jurisdiction of the United States. (June 5, 1920, c. 235, § 1, 41 Stat 875.)

From the sundry civil appropriation act for the year 1921, cited above

See ante, § 9167a.

§ 9173. Appropriation to prevent epidemics—Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, trachoma, influenza, Rocky Mountain spotted fever, or infantile paralysis, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force * *. (Feb. 17, 1922, c. 55, 42 Stat. 380. Jan. 3, 1923, c. 22, 42 Stat 1102 April 4, 1924, c 84, title I, 43 Stat. 76. Jan. 20, 1925, c. 85, § 1, 43 Stat. 757. Jan. 22, 1925, c. 87, title I, 43 Stat. 775)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

Chapter D—Social Hygiene

§ 9188¼(a). Interdepartmental social hygiene board; duties—There is hereby created a board to be known as the Interdepartmental Social Hygiene Board, to consist of the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury as ex officio members, and of the Surgeon General of

the Army, the Surgeon General of the Navy, and the Surgeon General of the Public Health Service, or of representatives designated by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, respectively The duties of the board shall be (1) To recommend rules and regulations for the expenditure of moneys allotted to the States under section five of this chapter; (2) to select the institutions and organizations and fix the allotments to each institution under said section five, (3) to recommend to the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy such general measures as will promote correlation and efficiency in carrying out the purposes of this chapter by their respective departments, and (4) to direct the expenditure of the sum of $100,000 referred to in the last paragraph of section seven of this chapter The board shall meet at least quarterly, and shall elect annually one of its members as chairman, and shall adopt rules and regulations for the conduct of its business (July 9, 1918, c. 143, subchapter XV, § 1, 40 Stat 886)

This section, and §§ 9188¼b-9188¼g, 9188¼h are a part of the Army appropriation act for the fiscal year 1919, subchapter XV thereof, cited above.

§ 9188¼(b). Isolation of civilians for protection of military and naval forces—The Secretary of War and the Secretary of the Navy are hereby authorized and directed to adopt measures for the purpose of assisting the various States in caring for civilian persons whose detention, isolation, quarantine, or commitment to institutions may be found necessary for the protection of the military and naval forces of the United States against venereal diseases (July 9, 1918, c. 143, subchapter XV, § 2, 40 Stat. 886.)

See note to § 9188¼(a)

§ 9188¼(c). Division of Venereal Diseases; officers and employees—There is hereby established in the Bureau of the Public Health Service a Division of Venereal Diseases, to be under the charge of a commissioned medical officer of the United States Public Health Service detailed by the Surgeon General of the Public Health Service, which officer while thus serving shall be an Assistant Surgeon General of the Public Health Service, subject to the provisions of law applicable to assistant surgeons general in charge of administrative divisions in the District of Columbia of the Bureau of the Public Health Service. There shall be in such division such assistants, clerks, investigators, and other employees as may be necessary for the performance of its duties and as may be provided for by law. (July 9, 1918, c. 143, subchapter XV, § 3, 40 Stat. 886.)

See note to § 9188¼(a).
For current appropriation for the Division of Venereal Diseases, see Act Jan. 22, 1925, c. 87, title I, 43 Stat. 776.

§ 9188¼(d). Same—The duties of the Division of Venereal Diseases shall be in accordance with rules and regulations prescribed by the Secretary of the Treasury (1) to study and investigate the cause, treatment, and prevention of venereal diseases; (2) to cooperate with State boards of departments of health for the prevention and control of such diseases within the States; and (3) to control and prevent the spread of these diseases in interstate traffic: Provided, That nothing in this chapter shall be construed as limiting the functions and activities of other departments or bureaus in the prevention, control, and treatment of venereal diseases and in the expenditure of moneys therefor (July 9, 1918, c. 143, subchapter XV, § 4, 40 Stat. 886.)

See note to § 9188¼(a).

§ 9188¼(e). Appropriation—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be expended under the joint direction of the Secretary of War and the Secretary of the Navy to carry out the provisions of section two of this chapter Provided, That the appropriation herein made shall not be deemed exclusive, but shall be in addition to other appropriations of a more general character which are applicable to the same or similar purposes (July 9, 1918, c. 143, subchapter XV, § 5, 40 Stat. 887)

See note to § 9188¼(a)

§ 9188¼(f). Same; allotments to States—There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,400,000 annually for two fiscal years, beginning with the fiscal year commencing July first, nineteen hundred and eighteen, to be apportioned as follows. The sum of $1,000,000, which shall be paid to the States for the use of their respective boards or departments of health in the prevention, control, and treatment of venereal diseases; this sum to be allotted to each State, in accordance with the rules and regulations prescribed by the Secretary of the Treasury, in the proportion which its population bears to the population of the continental United States, exclusive of Alaska and the Canal Zone, according to the last preceding United States census, and such allotment to be so conditional that for each dollar paid to any State the State shall specifically appropriate or otherwise set aside an equal amount for the prevention, control, and treatment of venereal diseases, except for the fiscal year ending June thirtieth, nineteen hundred and nineteen, for which the allotment of money is not conditioned upon the appropriation or setting aside of money by the State, provided, that any State may obtain any part of its allotment for any fiscal year subsequent to June thirtieth, nineteen hundred and nineteen, by specifically appropriating or otherwise setting aside an amount equal to such part of its allotment for the prevention, control, and treatment of venereal diseases; the sum of $100,000, which shall be paid to such universities, colleges, or other suitable institutions, as in the judgment of the Interdepartmental Social Hygiene Board are qualified for scientific research, for the purpose of discovering, in accordance with rules and regulations prescribed by the Interdepartmental Social Hygiene Board, more effective medical measures in the prevention and treatment of venereal diseases; the sum of $300,000, which shall be paid to such universities, colleges, or other suitable institutions or organizations, as in the judgment of the Interdepartmental Social Hygiene Board are qualified for scientific research, for the purpose of discovering and developing more effective educational measures in the prevention of venereal diseases, and for the purpose of sociological and psychological research related thereto. (July 9, 1918, c. 143, subchapter XV, § 6, 40 Stat. 887.)

See note to § 9188¼(a).

§ 9188¼(g). Same—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $800,000 for the fiscal year ending June thirtieth, nineteen hundred and nineteen, to be apportioned as follows: The sum of $200,000 to defray the expenses of the establishment and maintenance of the Division of Venereal Diseases in the Bureau of the Public Health Service; and the sum of $100,000 to be used under the direction of the Interdepartmental Social Hygiene Board for any purpose for which any of the appropriations made by this chapter are available (July 9, 1918, c. 143, subchapter XV, § 7, 40 Stat. 887.)

See note to § 9188¼(a).

§ 9188¼(gg). Appropriation; duties of Board—The duties and powers conferred upon the Interdepartmental Social Hygiene Board by Chapter XV of the Army Appropriation Act approved July 9, 1918, with respect to the expenditure of the appropriations

made therein are extended and made applicable to the appropriations for similar purposes made in this Act (June 5, 1920, c 235, § 1, 41 Stat. 888.)

From the sundry civil appropriation act for the year 1921, cited above

§ 9188½(h). Definitions—The terms "State" and "States," as used in this chapter, shall be held to include the District of Columbia (July 9, 1918, c 143, subchapter XV, § 8, 40 Stat. 887.)

See note to § 9188½(a)

Chapter E—Maternity and Infancy Welfare and Hygiene

The provisions of the maternity and infancy welfare and hygiene act, and amendatory and supplementary acts, are extended to the Territory of Hawaii by Act March 10, 1924, c 46, § 3, ante, § 3746b½

§ 9188½. Appropriation for—There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sums specified in section 2 of this Act, to be paid to the several States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy as hereinafter provided (Nov. 23, 1921, c. 135, § 1, 42 Stat. 224)

This section, and the thirteen sections next following are an act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," cited above

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 364, title IV, 43 Stat 1051, contains the following

"Children's Bureau * * Promotion of the welfare and hygiene of maternity and infancy For carrying out the provisions of the Act entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes,' approved November 23, 1921, and of the Act entitled 'An Act to extend the provisions of certain laws to the Territory of Hawaii,' approved March 10, 1924, $1,000,000: Provided, That the apportionments to the States, to the Territory of Hawaii, and to the Children's Bureau for administration shall be computed on the basis of not to exceed $1,252,079 96, as authorized by such Acts of November 23, 1921, and March 10, 1924"

§ 9188½a. Same; amount; apportionment to states; additional apportionment—For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the current fiscal year $480,000, to be equally apportioned among the several States, and for each subsequent year, for the period of five years, $240,000, to be equally apportioned among the several States in the manner hereinafter provided: Provided, That there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this Act, for the fiscal year ending June 30, 1922, an additional sum of $1,000,000, and annually thereafter, for the period of five years, an additional sum not to exceed $1,000,000: Provided further, That the additional appropriations herein authorized shall be apportioned $5,000 to each State and the balance among the States in the proportion which their population bears to the total population of the States of the United States, according to the last preceding United States census: And provided further, That no payment out of the additional appropriation herein authorized shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State for the maintenance of the services and facilities provided for in this Act.

So much of the amount apportioned to any State for any fiscal year as remains unpaid to such State at the close thereof shall be available for expenditures in that State until the close of the succeeding fiscal year. (Nov. 23, 1921, c. 135, § 2, 42 Stat. 224.)

See note to § 9188½, ante.

§ 9188½b. Board of Maternity and Infant Hygiene; members; chairman; powers and duties of Children's Bureau of Department of Labor—There is hereby created a Board of Maternity and Infant Hygiene, which shall consist of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education, and which is hereafter designated in this Act as the Board The Board shall elect its own chairman and perform the duties provided for in this Act.

The Children's Bureau of the Department of Labor shall be charged with the administration of this Act, except as herein otherwise provided, and the Chief of the Children's Bureau shall be the executive officer It shall be the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of this Act (Nov 23, 1921, c. 135, § 3, 42 Stat 224)

See note to § 9188½, ante

§ 9188½c. Acceptance of act by states—In order to secure the benefits of the appropriations authorized in section 2 of this Act, any State shall, through the legislative authority thereof, accept the provisions of this Act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to cooperate as herein provided in the administration of the provisions of this Act: Provided, That in any State having a child-welfare or child-hygiene division in its State agency of health, the said State agency of health shall administer the provisions of this Act through such divisions If the legislature of any State has not made provision for accepting the provisions of this Act the governor of such State may in so far as he is authorized to do so by the laws of such State accept the provisions of this Act and designate or create a State agency to cooperate with the Children's Bureau until six months after the adjournment of the first regular session of the legislature in such State following the passage of this Act. (Nov. 23, 1921, c. 135, § 4, 42 Stat. 225.)

See note to § 9188½, ante

§ 9188½d. Deduction from appropriation for administration of act—So much, not to exceed 5 per centum, of the additional appropriations authorized for any fiscal year under section 2 of this Act, as the Children's Bureau may estimate to be necessary for administering the provisions of this Act, as herein provided, shall be deducted for that purpose, to be available until expended. (Nov. 23, 1921, c. 135, § 5, 42 Stat 225.)

See note to § 9188½, ante.

§ 9188½e. Clerical assistants for Children's Bureau—Out of the amounts authorized under section 5 of this Act the Children's Bureau is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the Civil Service Commission, and to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as it may deem necessary for carrying out the purposes of this Act. (Nov. 23, 1921, c. 135, § 6, 42 Stat. 225)

See note to § 9188½, ante.

§ 9188½f. Apportionment of appropriation to states—Within sixty days after any appropriation authorized by this Act has been made, the Children's Bureau shall make the apportionment herein provided for and shall certify to the Secretary of the Treasury the amount estimated by the bureau to be necessary for administering the provisions of this Act, and shall certify to the Secretary of the Treasury and to the treasurers of the various States the amount which has been apportioned to each State for the fis-

cal year for which such appropriation has been made (Nov. 23, 1921, c. 135, § 7, 42 Stat 225)

See note to § 9188½, ante

§ 9188½g. Submission of plans by states; approval—Any State desiring to receive the benefits of this Act shall, by its agency described in section 4, submit to the Children's Bureau detailed plans for carrying out the provisions of this Act within such State, which plans shall be subject to the approval of the board Provided, That the plans of the States under this Act shall provide that no official, or agent, or representative in carrying out the provisions of this Act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of such child If these plans shall be in conformity with the provisions of this Act and reasonably appropriate and adequate to carry out its purposes they shall be approved by the board and due notice of such approval shall be sent to the State agency by the chief of the Children's Bureau. (Nov. 23, 1921, c 135, § 8, 42 Stat. 225.)

See note to § 9188½, ante.

§ 9188½h. Power of officers, agents, or representatives of Children's Bureau to enter homes or take charge of children—No official, agent, or representative of the Children's Bureau shall by virtue of this Act have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having custody of such child. Nothing in this Act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose. (Nov. 23, 1921, c 135, § 9, 42 Stat. 225)

See note to § 9188½, ante.

§ 9188½i. Certification of amounts apportioned to states—Within sixty days after any appropriation authorized by this Act has been made, and as often thereafter while such appropriation remains unexpended as changed conditions may warrant, the Children's Bureau shall ascertain the amounts that have been appropriated by the legislatures of the several States accepting the provisions of this Act and shall certify to the Secretary of the Treasury the amount to which each State is entitled under the provisions of this Act. Such certificate shall state (1) that the State has, through its legislative authority, accepted the provisions of this Act and designated or authorized the creation of an agency to cooperate with the Children's Bureau, or that the State has otherwise accepted this Act, as provided in section 4 hereof; (2) the fact that the proper agency of the State has submitted to the Children's Bureau detailed plans for carrying out the provisions of this Act, and that such plans have been approved by the board; (3) the amount, if any, that has been appropriated by the legislature of the State for the maintenance of the services and facilities of this Act, as provided in section 2 hereof; and (4) the amount to which the State is entitled under the provisions of this Act. Such certificate, when in conformity with the provisions hereof, shall, until revoked as provided in section 12 hereof, be sufficient authority to the Secretary of the Treasury to make payment to the State in accordance therewith. (Nov. 23, 1921, c. 135, § 10, 42 Stat. 225.)

See note to § 9188½, ante.

§ 9188½j. Reports by states; withholding certifications to states—Each State agency cooperating with the Children's Bureau under this Act shall make such reports concerning its operations and expenditures as shall be prescribed or requested by the bureau The Children's Bureau may, with the approval of the board, and shall, upon request of a majority of the board, withhold any further certificate provided for in section 10 hereof whenever it shall be determined as to any State that the agency thereof has not properly expended the money paid to it or the moneys herein required to be appropriated by such State for the purposes and in accordance with the provisions of this Act Such certificate may be withheld until such time or upon such conditions as the Children's Bureau, with the approval of the board, may determine; when so withheld the State agency may appeal to the President of the United States who may either affirm or reverse the action of the Bureau with such directions as he shall consider proper: Provided, That before any such certificate shall be withheld from any State, the chairman of the board shall give notice in writing to the authority designated to represent the State, stating specifically wherein said State has failed to comply with the provisions of this Act. (Nov. 23, 1921, c. 135, § 11, 42 Stat. 226)

See note to § 9188½, ante

§ 9188½k. Limitation on expenditure of amounts apportioned to states—No portion of any moneys apportioned under this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands, nor shall any such moneys or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of this Act be used for the payment of any maternity or infancy pension, stipend, or gratuity. (Nov. 23, 1921, c. 135, § 12, 42 Stat. 226)

See note to § 9188½, ante.

§ 9188½l. Supervision of Children's Bureau by Secretary of Labor; report to Congress—The Children's Bureau shall perform the duties assigned to it by this Act under the supervision of the Secretary of Labor, and he shall include in his annual report to Congress a full account of the administration of this Act and expenditures of the moneys herein authorized. (Nov. 23, 1921, c. 135, § 13, 42 Stat. 226)

See note to § 9188½, ante

§ 9188½m. Construction of act—This Act shall be construed as intending to secure to the various States control of the administration of this Act within their respective States, subject only to the provisions and purposes of this Act. (Nov. 23, 1921, c. 135, § 14, 42 Stat. 226)

See note to § 9188½, ante.

TITLE LIX—HOSPITALS, ASYLUMS, AND CEMETERIES

Chapter One—Hospital Relief for Seamen

§ 9189a. Attendants at marine hospitals, and quarantine and immigrant stations—The pay of attendants at marine hospitals, quarantine, and immigration stations, whose present compensation is less than the rate of $1,200 per annum, may be in-

creased to a rate not to exceed $1,200 per annum. (July 1, 1918, c 113, § 1, 40 Stat. 644.)

From the sundry civil appropriation act for the year 1919, cited above

§ 9192a. Officers and crews of vessels of Bureau of Fisheries admitted to benefits of Public Health Service—Officers and crews of the several vessels belonging to the Bureau of Fisheries may be admitted to the benefits of the Public Health Service without charge upon the application of their respective commanding officers. (July 1, 1918, c 113, § 1, 40 Stat. 694.)

From the sundry civil appropriation act for the year 1919, cited above

§ 9195. Admission to hospitals of diseased persons for study—For maintenance of marine hospitals * * There may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed ten cases in any one hospital at one time. (June 5, 1920, c. 235, § 1, 41 Stat 884.)

From the sundry civil appropriation act for the year 1921, cited above It has been repeated in prior acts.

Chapter One A—Navy Hospitals, Naval Home, and Army and Navy Hospitals

§ 9212a. Requisition of lands and buildings for hospital purposes; compensation—The President is authorized, through the Secretary of War, during the existing emergency, from time to time, to requisition or otherwise take over for the United States any lands, including the buildings thereon and their equipment, or any temporary use thereof, required for hospital facilities. He shall ascertain and pay, from the proper appropriation, a just compensation therefor. If the compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined, and shall be entitled to sue the United States in the United States district court for the judicial district where the property is situated to recover such further sum as, added to the seventy-five per centum, will make up such amount as will be just compensation: Provided, That hospital facilities shall be so situated as to provide for the care of patients as near the place from which they entered the Army or Navy as practicable, and that the facilities shall be in every case in keeping with the number of men in the service from the different States: Provided further, That property shall not be taken over under the foregoing power at an aggregate cost in excess of $15,000,000. (Nov. 4, 1918, c. 201, § 1, 40 Stat. 1029.)

From the "First Deficiency Appropriation Act, 1919," cited above.

§ 9212aa. Hospitals and sanatoria for soldiers, sailors, marines, Army and Navy nurses, patients of War Risk Insurance Bureau, seamen, members of Coast Guard, Public Health Service, Light House Service, Engineer Corps of Army, Coast and Geodetic Survey, and certain civilian employees; authority to establish—That the Secretary of the Treasury be, and he is hereby, authorized to provide immediate additional hospital and sanatorium facilities for the care and treatment of discharged sick and disabled soldiers, sailors, and marines, Army and Navy nurses (male and female), patients of the War Risk Insurance Bureau, and the following persons only: Merchant marine seamen, seamen on boats of the Mississippi River Commission, officers and enlisted men of the United States Coast Guard, officers and employees of the Public Health Service, certain keepers and assistant keepers of the United States Lighthouse Service, seamen of the Engineer Corps of the United States Army, officers and enlisted men of the United States Coast and Geodetic Survey, civilian employees entitled to treatment under the United States Employees' Compensation Act, and employees on Army transports not officers or enlisted men of the Army, now entitled by law to treatment by the Public Health Service. (March 3, 1919, c 98, § 1, 40 Stat 1302)

This section, and the eleven sections next following, are an act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," cited above

§ 9212b. Same; properties transferred to Treasury Department for Public Health Service—There are hereby permanently transferred to the Treasury Department for the use of the Public Health Service for hospital or sanatoria or other uses the following properties, with their present equipment, including sites and leases, or so much thereof as may be required by the Public Health Service, including mechanical equipment in connection therewith, and approaches thereto, with authority to lease or purchase sites not owned by the Government, as follows: Hospitals, with such other buildings and land as may be required, at Camp Cody (New Mexico), Camp Hancock (Georgia), Camp Joseph E Johnston (Florida), Camp Beauregard (Louisiana), Camp Logan (Texas), Camp Fremont (California), and nitrate plant, Perryville (Maryland), and such hospitals, with other necessary buildings, hereafter vacated by the War Department, as may be required and found suitable for the needs of the Public Health Service for hospital or sanatoria purposes. And for the purpose of such remodeling of or additions to the above-named plants as may be required to adapt them to the needs and uses of the Public Health Service, the sum of $750,000 is hereby authorized. (March 3, 1919, c 98, § 2, 40 Stat. 1302.)

See note to § 9212a, ante.

§ 9212c. Same; transfer of hospital furniture, materials, supplies, and lands, buildings and fixtures—The Secretary of War is hereby authorized and directed to transfer without charge to the Secretary of the Treasury for the use of the Public Health Service such hospital furniture and equipment, including hospital and medical supplies, motor trucks, and other motor-driven vehicles, in good condition, not required by the War Department, as may be required by the Public Health Service for its hospitals, and the President is authorized to direct the transfer to the Treasury Department of the use of such lands or parts of lands, buildings, fixtures, appliances, furnishings, or furniture under the control of any other department of the Government not required for the purposes of such department and suitable for the uses of the Public Health Service. (March 3, 1919, c. 98, § 3, 40 Stat. 1303.)

See note to § 9212a, ante. See, also, ante, §§ 6941f-6941k.

§ 9212d. Same; use of Battle Mountain Sanatorium and National Home for Disabled Volunteer Soldiers—So much of the Battle Mountain Sanatorium at Hot Springs, South Dakota, the National Home for Disabled Volunteer Soldiers with its present equipment, as is not required for the purposes for which these facilities were provided, is hereby made available for the use of the Public Health Service for a period of five years from the approval of this Act, unless sooner released by the Surgeon General of the Public Health Service. (March 3, 1919, c. 98, § 4, 40 Stat. 1303.)

See note to § 9212a, ante.

§ 9212e. Same; contracts for use of existing hospitals—The Secretary of the Treasury is hereby authorized to contract with any existing hospital or sanatorium, by lease or otherwise, for immediate use,

in whole or in part, of their present facilities, so as to provide bed capacity and facilities for not exceeding one thousand patients, and for such purposes the sum of $300,000 is hereby authorized (March 3, 1919, c 98, § 5, 40 Stat. 1303)

See note to § 9212a, ante

§ 9212f. Same; purchase of hospital at Corpus Christi—The Secretary of the Treasury is hereby authorized, if in his judgment the same will be for the best interests of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, to purchase the site, buildings, and hospital facilities and appurtenances, at Corpus Christi, Texas, known as General Hospital Numbered 15, and for such purpose the sum of $150,000 is hereby authorized (March 3, 1919, c 98, § 6, 40 Stat 1303)

See note to § 9212a, ante.

§ 9212g. Hospitals and sanatoria for soldiers, sailors, marines, Army and Navy nurses, patients of War Risk Insurance Bureau, seamen, members of Coast Guard, Public Health Service, Light House Service, Engineer Corps of Army, Coast and Geodetic Survey, and certain civilian employees; appropriation for purchase of lands and buildings—The sum of $1,500,000 is hereby authorized to be held as an emergency fund for the purchase of land and the erection thereon of buildings or for the purchase of land and buildings, and the remodeling thereof, suitable for hospital and sanatoria purposes, which the Secretary of the Treasury is hereby authorized to select and locate for the uses of the United States Public Health Service, if in his judgment the emergency requires it. (March 3, 1919, c 98, § 6, 40 Stat. 1303, amended, July 11, 1919, c 6, § 1, 41 Stat 45.)

This section was amended by Act July 11, 1919, c 6, § 1, cited above, to read as set forth above. This section, as originally enacted, read as follows.

"The sum of $1,500,000 is hereby authorized to be held as an emergency fund for the purchase of land and buildings suitable for hospital and sanatoria purposes, which the Secretary of the Treasury is hereby authorized to select and locate, and to make additions and improvements suitable to adapt them to the uses of the United States Public Health Service, if in his judgment the emergency requires it"

See note to § 9212a, ante.

§ 9212h. Hospitals and sanatoria for soldiers, sailors, marines, Army and Navy nurses, patients of War Risk Insurance Bureau, seamen, members of Coast Guard, Public Health Service, Light-House Service, Engineer Corps of Army, Coast and Geodetic Survey, and certain civilian employees; construction of new hospitals and sanatoria; appropriations—By the construction of new hospitals and sanatoria, to include the necessary buildings with their appropriate mechanical and other equipment and approach work, including roads leading thereto, for the accommodation of patients, officers, nurses, attendants, storage, laundries, vehicles, and live stock on sites now owned by the Government, or on new sites to be acquired by purchase or otherwise, at the places hereinafter named: Provided, That if the Secretary of the Treasury shall make a finding that any hospital project hereinafter specifically authorized is not to the best interests of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, he is hereby authorized to reject such project or projects and to locate, construct, or acquire hospitals at such other locations as would best subserve the interest of the Government and the emergency needs of the Public Health Service within the limits of cost of such authorization.

(a) At Cook county, Illinois, by taking over the land and executing the contract for the construction thereon of hospital buildings specified therein of a certain proposed contract executed by the Shank Company, August thirty-first, nineteen hundred and eighteen, and in accordance with such contract and the plans and specifications, identified in connection therewith August thirty-first, nineteen hundred and eighteen, by the signature and initials of Brigadier General R. C. Marshall, junior, Construction Division, Quartermaster Department, United States Army, by Lieutenant Colonel C. C. Wright, and the Shank Company, by George H. Shank, president, at the cost stated therein, namely, $2,500,000, with such changes in said plans and specifications as may be required by the Secretary of the Treasury to adapt said specified buildings to the needs and purposes of the Public Health Service, at a total limit of cost not to exceed $3,000,000

(b) In carrying the foregoing authorization into effect, the Secretary of the Treasury is authorized to execute the contract with The Shank Company hereinbefore specified, with such verbal changes as are made necessary by a change in the contracting officers, and to assume all obligations in said contract contained, and to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized

(c) At Dawson Springs, Kentucky, on land to be acquired by gift, the necessary buildings for a sanatorium having a capacity of not less than five hundred beds The sum of $1,500,000 is hereby authorized for the construction of such sanatorium. Provided, That whenever any person, company, or corporation, municipal or private, shall undertake or shall have undertaken to secure any land or easement therein, which in the opinion of the Secretary of the Treasury is needed for the site of or in connection with the proper and convenient construction, maintenance, and operation of such sanatorium for the purpose of conveying the same to the United States free of cost and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of the Treasury may, in his discretion, cause proceedings to be instituted to acquire such land or easement for the United States by condemnation of said land or easement, and it shall be the duty of the Attorney General of the United States to institute and conduct such proceedings upon the request of the Secretary of the Treasury: Provided further, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of the Treasury may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.

(d) The sum of $900,000 is hereby authorized for the construction, including site, of a hospital plant complete at Norfolk, Virginia

(e) The sum of $550,000 is hereby authorized for the purchase of the land and buildings of the National School of Domestic Arts and Science, located at 2650 Wisconsin Avenue, in the District of Columbia, now under lease to the United States Government as a hospital, and for the construction of such additions and improvements thereto as may be necessary to suitably adapt them to the needs and purposes of the Public Health Service: Provided, That the purchase price of said land and buildings shall not exceed $460,000: Provided further, That in addition to the $550,000 hereby authorized, the sum of $250,000 from the amount appropriated by section 5 of the Act hereby amended and of $6,000 and of $154,000 from

the amounts appropriated by section 6, paragraphs 1 and 2, respectively, of said Act, are hereby made available for the above mentioned purposes and shall remain available until expended.

(f) The sum of $190,000 is hereby authorized for additional hospital accommodations, including such minor alteration in and remodeling of existing and authorized buildings as may be necessary to economically adapt them to the additional accommodations herein authorized for the Marine Hospital at Stapleton, Staten Island, New York, the sum appropriated for additions to the said hospital by the Act approved March twenty-eighth, nineteen hundred and eighteen, is authorized to be expended in full without the construction of psychiatric units. (March 3, 1919, c. 98, § 7, 40 Stat 1303, amended, June 5, 1920, c 267, 41 Stat. 1060, and July 1, 1922, c 268, 42 Stat 818)

This section, as originally enacted, read as follows:

"By the construction of new hospitals and sanatoria, to include the necessary buildings with their appropriate mechanical and other equipment and approach work, including roads leading thereto, for the accommodation of patients, officers, nurses, attendants, storage, laundries, vehicles, and live stock on sites now owned by the Government, or on new sites to be acquired by purchase or otherwise, at the places hereinafter named Provided, That if the Secretary of the Treasury shall make a finding that any hospital project hereinafter specifically authorized is not to the best interest of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, he is hereby authorized to reject such project or projects and to locate, construct, or acquire hospitals at such other locations as would best subserve the interest of the Government and the emergency needs of the Public Health Service within the limits of cost of such authorization

"a At Cook County, Illinois, by taking over the land and executing the contract for the construction thereon of hospital buildings specified therein of a certain proposed contract executed by the Shank Company, August thirty-first, nineteen hundred and eighteen, and in accordance with such contract and the plans and specifications, identified in connection therewith August thirty-first, nineteen hundred and eighteen, by the signature and initials of Brigadier General R. C. Marshall, junior, Construction Division, Quartermaster Department, United States Army, by Lieutenant Colonel C. C. Wright, and the Shank Company, by George H Shank, president, at the cost stated therein, namely, $2,500,000, with such changes in said plans and specifications as may be required by the Secretary of the Treasury to adapt said specified buildings to the needs and purposes of the Public Health Service, at a total limit of cost not to exceed $3,000,000.

"b. In carrying the foregoing authorization into effect, the Secretary of the Treasury is authorized to execute the contract with The Shank Company hereinbefore specified, with such verbal changes as are made necessary by a change in the contracting officers, and to assume all obligations in said contract contained, and to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized.

"c. At Dawson Springs, Kentucky, on land to be acquired by gift, the necessary buildings for a sanatorium having a capacity of not less than five hundred beds. The sum of $1,500,000 is hereby authorized for the construction of such sanatorium.

"d. The sum of $900,000 is hereby authorized for the construction, including site, of a hospital plant complete at Norfolk, Virginia.

"e. The sum of $550,000 is hereby authorized for the construction, on land owned by the Government, on a site to be selected by the Secretary of the Treasury with the approval of the President, of a hospital plant complete in the District of Columbia or vicinity.

"f The sum of $190,000 is hereby authorized for additional hospital accommodations, including such minor alteration in and remodeling of existing and authorized buildings as may be necessary to economically adapt them to the additional accommodations herein authorized for the Marine Hospital at Stapleton, Staten Island, New York, the sum appropriated for additions to the said hospital by the Act approved March twenty-eighth, nineteen hundred and eighteen, is authorized to be expended in full without the construction of psychiatric units."

It was amended by Act June 5, 1920, c. 267, 41 Stat. 1060, to read as follows:

"By the construction of new hospitals and sanatoria, to include the necessary buildings with their appropriate mechanical and other equipment and approach work, including roads leading thereto, for the accommodation of patients, officers, nurses, attendants, storage, laundries, vehicles, and live stock on sites now owned by the Government, or on new sites to be acquired by purchase or otherwise, at the places hereinafter named Provided, That if the Secretary of the Treasury shall make a finding that any hospital project hereinafter specifically authorized is not to the best interest of the Government from the standpoint of cost, location, and of the emergency needs of the Public Health Service, he is hereby authorized to reject such project or projects and to locate, construct, or acquire hospitals at such other locations as would best subserve the interest of the Government and the emergency needs of the Public Health Service within the limits of cost of such authorization.

"(a) At Cook county, Illinois, by taking over the land and executing the contract for the construction thereon of hospital buildings specified therein of a certain proposed contract executed by the Shank Company, August thirty-first, nineteen hundred and eighteen, and in accordance with such contract and the plans and specifications, identified in connection therewith August thirty-first, nineteen hundred and eighteen, by the signature and initials of Brigadier General R C. Marshall, junior, Construction Division, Quartermaster Department, United States Army, by Lieutenant Colonel C. C Wright, and the Shank Company, by George H Shank, president, at the cost stated therein, namely, $2,500,000, with such changes in said plans and specifications as may be required by the Secretary of the Treasury to adapt said specified buildings to the needs and purposes of the Public Health Service, at a total limit of cost not to exceed $3,000,000

"(b) In carrying the foregoing authorization into effect, the Secretary of the Treasury is authorized to execute the contract with The Shank Company hereinbefore specified, with such verbal changes as are made necessary by a change in the contracting officers, and to assume all obligations in said contract contained, and to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized.

"(c) At Dawson Springs, Kentucky, on land to be acquired by gift, the necessary buildings for a sanatorium having a capacity of not less than five hundred beds. The sum of $1,500,000 is hereby authorized for the construction of such sanatorium

"(d) The sum of $900,000 is hereby authorized for the construction, including site, of a hospital plant complete at Norfolk, Virginia

"(e) The sum of $550,000 is hereby authorized for the purchase of the land and buildings of the National School of Domestic Arts and Science, located at 2650 Wisconsin Avenue, in the District of Columbia, now under lease to the United States Government as a hospital, and for the construction of such additions and improvements thereto as may be necessary to suitably adapt them to the needs and purposes of the Public Health Service. Provided, That the purchase price of said land and buildings shall not exceed $460,000. Provided further, That in addition to the $550,000 hereby authorized, the sum of $250,000 from the amount appropriated by section 5 of the Act hereby amended and of $6,000 and of $151,000 from the amounts appropriated by section 6, paragraphs 1 and 2, respectively, of said Act, are hereby made available for the above mentioned purposes and shall remain available until expended.

"(f) The sum of $190,000 is hereby authorized for additional hospital accommodations, including such minor alteration in and remodeling of existing and authorized buildings as may be necessary to economically adapt them to the additional accommodations herein authorized for the Marine Hospital at Stapleton, Staten Island, New York, the sum appropriated for additions to the said hospital by the Act approved March twenty-eighth, nineteen hundred and eighteen, is authorized to be expended in full without the construction of psychiatric units."

It was again amended by Act July 1, 1922, c. 268, 42 Stat. 818, to read as set forth above.

See note to § 9212a, ante.

§ 9212i. Same; construction; character of; contracts for—In carrying the foregoing authorization into effect, all new construction work herein authorized shall, as far as feasible, be of fire resisting character, and the Secretary of the Treasury is authorized to enter into contracts for the construction, equipment, and so forth, of such buildings on Government owned lands, or lands acquired for such purpose, to purchase materials and labor in the open market, or otherwise, and to employ laborers and mechanics for the construction of such buildings and their equipment as in his judgment shall best meet the public exigencies, within the limits of cost herein authorized. (March 3, 1919, c. 98, § 8, 40 Stat. 1304.)

See note to § 9212a, ante.

§ 9212j. Same; appropriation—For the purpose of carrying the foregoing authorization into effect,

there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available and remain available until expended, the sum of $8,840,000, and for furniture and equipment not otherwise provided for, the sum of $210,000, in all, $9,050,000. (March 3, 1919 c. 98, § 9, 40 Stat. 1304.)

See note to § 9212a, ante

§ 9212k. Same; technical and clerical employés—And the Secretary of the Treasury is hereby authorized, in his discretion, to employ, for service within or without the District of Columbia, without regard to civil-service laws, rules, and regulations, and to pay from the sums hereby authorized and appropriated for construction purposes, at customary rates of compensation, such additional technical and clerical services as may be necessary, exclusively to aid in the preparation of the drawings and specifications for the above-named objects and supervision of the execution thereof, for traveling expenses, and printing incident thereto, at a total limit of cost for such additional technical and clerical services and traveling expenses, and so forth, of not exceeding $210,000 of the above-named limit of cost. All of the above-mentioned work shall be under the direction and supervision of the Surgeon General of the Public Health Service, subject to the approval of the Secretary of the Treasury. (March 3, 1919, c 98, § 10, 40 Stat. 1304.)

See note to § 9212a, ante.

§ 9212l. Same; appropriation for personnel—There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for necessary personnel, including regular and reserve commissioned officers of the Public Health Service and clerical help in the District of Columbia and elsewhere, and maintenance, hospital supplies and equipment, leases, fuel, lights, and water, and freight, transportation, and travel, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $785,333 for the fiscal year ending June thirtieth, nineteen hundred and nineteen (March 3, 1919, c. 98, § 11, 40 Stat. 1305.)

See note to § 9212a, ante.

§ 9212m. Transfer of hospital furniture, equipment, and supplies for use at certain hospitals—The Secretary of War is authorized and directed to transfer to the Secretary of the Treasury for use of the Public Health Service, and without payment therefor, such hospital furniture, equipment, and supplies, as may be required for hospitals of the said service at Fort Henry, Fort Bayard, Whipple Barracks, and in Cook County, Illinois The total value of the material transferred hereunder shall not exceed $1,000,000. (June 5, 1920, c. 253, § 1, 41 Stat. 1025.)

From the third deficiency appropriation act for the year 1920, cited above.

§ 9212n. Transfer of Whipple Barracks Military Reservation to Service—The Secretary of War may, in his discretion, transfer to the Secretary of the Treasury, for the use of the Public Health Service, the military reservation of Whipple Barracks, Arizona, now occupied by said service for hospital purposes. (June 5, 1920, c 240, 41 Stat. 963)

From the Army appropriation act for the year 1921, cited above.

§ 9212o. Patients in Panama Canal Zone hospitals; payment of subsistence—Hospital Care, Canal Zone Garrisons. For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, $40,000: Provided, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals. (June 30, 1922, c. 253, title I, 42 Stat 739 March 2, 1923, c. 178, title I, 42 Stat. 1399 June 7, 1924, c. 291, title I, 43 Stat. 494. Feb 12, 1925, c 225, title I, 43 Stat 909)

From the War Department appropriation act for the year 1926, cited above The same provisions are contained in prior acts

§ 9212p. Additional hospital facilities for patients of Bureau of War Risk Insurance, etc.; transfer of material, etc., to Public Health Service; employment of technical and clerical assistants—The Secretary of the Treasury is authorized, within the limits of appropriations made herein, to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are now or hereafter may be patients of the Bureau of War Risk Insurance or of the Federal Board for Vocational Education, Division of Rehabilitation, (1) by purchase, gift, or lease of existing plants, (2) by construction on sites now owned by the Government or on sites to be acquired, when approved by the President, by purchase, condemnation, gift, or otherwise, or (3) by such remodeling or extension of existing plants and their equipment, owned or acquired by the United States at places now being used or that have been used by the Public Health Service for hospital purposes, as may be necessary economically to adapt such plants to the uses and purposes herein provided. Such hospitals and outpatient dispensary facilities shall include the necessary buildings, and auxiliary structures, mechanical equipment, approach work, roads and trackage facilities leading thereto. vehicles, live stock, furniture, equipment and accessories, and also shall provide accommodations for officers, nurses, and attending personnel, and the Secretary of the Treasury is authorized to accept gifts or donations for any of the purposes named herein;

The Secretary of War is authorized and directed to transfer without charge to the Secretary of the Treasury for the use of the Public Health Service such mechanical, construction, and miscellaneous material, hospital furniture and equipment, hospital and medical supplies, motor trucks and other motor-driven vehicles, not required by the War Department, as may be required by the Public Health Service for its hospitals.

The Secretary of the Treasury is authorized in his discretion to employ technical and clerical assistants within or without the District of Columbia, without regard to civil-service laws, rules, and regulations, and to pay from the sum herein appropriated for construction purposes, at customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the above-named objects and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies, commercial printing in or out of the District of Columbia, incident thereto, at a total limit of cost for such additional technical and clerical assistants and traveling expenses, and so forth, of not exceeding 3 per centum of the limit of cost for construction: Provided, That all of the above-mentioned work shall be under the direction and supervision of the Secretary of the Treasury;

In carrying out the purposes herein authorized the President is authorized and empowered, in his discretion, to assign for use of the Public Health Service, under the jurisdiction of the Secretary of the Treasury, such lands or buildings now owned or leased by the United States, not including property un-

der the jurisdiction of the National Home for Disabled Volunteer Soldiers, which, in his judgment, can be used more efficiently for the care of patients of the Bureau of War Risk Insurance; and the Secretary of the Treasury is authorized and directed to take over immediately Fort Mackenzie, Wyoming, Fort Walla Walla, Washington, and Fort Logan H Roots, Arkansas, with all lands, buildings, and equipment belonging thereto for the uses contemplated herein and to expend from the appropriation in the following paragraph not to exceed $600,000 at Forts Mackenzie and Walla Walla, and not to exceed $250,000 at Fort Logan H Roots, for providing and increasing hospital facilities thereat,

For carrying into effect the preceding paragraphs relating to additional hospital facilities there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $18,600 000, to be immediately available and to remain available until expended, of which sum not to exceed $6,100 000 shall be used for remodeling or extending existing plants (March 4, 1921, c 156, 41 Stat 1364)

This is an act entitled "An act providing additional hospital facilities for patients of the Bureau of War Risk Insurance and of the Federal Board of Vocational Education, Division of Rehabilitation, and for other purposes," cited above

§ 9212q. Additional hospital and out-patient dispensary facilities for patients of United States Veterans' Bureau—The Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and outpatient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and outpatient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: Provided, however, That the Director, with the approval of the President, may utilize such suitable buildings, structures, and grounds, now owned by the United States, as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the Director thereof. (April 20, 1922, c. 134, § 1, 42 Stat. 496.)

This section, and the three sections next following, are an act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion, and are patients of the United States Veterans' Bureau," cited above.

§ 9212qq. Same; construction, etc., of facilities—The construction of new hospitals or dispensaries, or the extension, alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable. (April 20, 1922, c 134, § 2, 42 Stat 496.)

See note to § 9212q, ante

§ 9212r. Same; appropriation—For carrying into effect the preceding paragraphs relating to additional hospital and outpatient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended That not to exceed 3 per centum of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment and supplies in connection therewith. (April 20, 1922, c. 134, § 3, 42 Stat 497)

See note to § 9212q, ante.

§ 9212rr. Same; facilities available to veterans of Spanish-American War, etc.—All hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion, suffering from neuropsychiatric and tubercular ailments and diseases. (April 20, 1922, c. 134, § 4, 42 Stat. 497.)

See note to § 9212q, ante.

§ 9212rrr. Same; further appropriation—For carrying out the provisions of the Act entitled "An Act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion, and are patients of the United States Veterans' Bureau," approved April 20, 1922, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000. (May 11, 1922, c. 184, 42 Stat. 507.)

This section is an act entitled "An act making appropriation for additional hospital facilities for patients of the United States Veteran's Bureau," cited above.

§ 9212s. Additional hospital and out-patient dispensary facilities for patients of United States Veterans' Bureau; national training school for blind beneficiaries; maximum cost; gifts, etc., for; construction, etc., of buildings—The Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and outpatient dispensary facilities for patients of the United States Veterans' Bureau, and facilities for a permanent national training school, at a cost not exceeding $350,000, for the blind who are beneficiaries of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dis-

pensary facilities, to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto; and also to provide accommodation for officers nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein Such hospital plants and training school to be constructed shall be of fireproof construction and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President Provided, however, That the Director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the Director thereof. (June 5, 1924, c. 262, § 1, 43 Stat. 389)

This section, and the section next following, are an act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide additional hospital facilities," cited above

§ 9212t. Same; appropriation—For carrying into effect the preceding paragraph relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,850,000. to be immediately available and to remain available until expended. That not to exceed 3 per centum of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses and field-office equipment and supplies in connection therewith. (June 5, 1924, c. 262, § 2, 43 Stat. 390.)

See note to § 9212s, ante.

Chapter Three—The National Home For Disabled Volunteer Soldiers

§ 9239. Election of citizen managers—Seven Managers of the National Home for Disabled Volunteer Soldiers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States and no two of them shall be residents of the same State The terms of office of these managers shall be for six years and until a successor is elected. (R. S. § 4826, amended, June 7, 1924, c. 291, title II, 43 Stat. 518.)

§ 9240a. Number of managers; quorum—Said board, after the passage of this resolution, shall be composed of seven members, and four members shall constitute a quorum for the transaction of business at any regular or special meeting thereof. (Oct. 19, 1914, No. 49, 38 Stat. 780.)

This section is a part of a resolution entitled a "Joint Resolution for the appointment of five members of the Board of Managers of the National Home for Disabled Volunteer Soldiers," cited above.

§ 9264a. Persons entitled to benefits of Home—The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely. Honorably discharged officers, soldiers, sailors, or marines who served in the regular, volunteer, or other forces of the United States, or in the Organized Militia or National Guard when called into Federal service, and who are disabled by diseases or wounds and who have no adequate means of support and by reason of such disability are either temporarily or permanently incapacitated from earning a living (June 7, 1924, c 291, title II, 43 Stat. 519)

From the War Department appropriation act for the year 1925, cited above It supersedes Act March 1, 1915, c 75, § 1, 38 Stat 853, as amended by Act Oct 6, 1917, c. 79, § 1, 40 Stat. 368 (U. S Comp St 1918, § 9261a), and the following provision from Act June 5, 1920, c 235, § 1, 41 Stat. 905 "The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the board of managers, namely: Honorably discharged officers, soldiers, sailors, and marines who served in the regular, volunteer, or other forces of the United States in any war in which the country has been engaged, in campaigns against hostile Indians, or who served in any of the extraterritorial possessions of the United States, in foreign countries, including Mexican border service, or in the Organized Militia or National Guard when called into the Federal Service, and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living."

§ 9264b. Rules for assignment to different branches of classes eligible to admission to Home—To increase the comfort of the members, the Board of Managers, National Home for Disabled Volunteer Soldiers, is authorized to make such rules governing the assignment to the different branches of the various classes of those eligible to admission to the home as it deems advisable and best for the public service. (June 5, 1920, c. 235, § 1, 41 Stat. 905.)

From the sundry civil appropriation act for the year 1921, cited above

§ 9288. Aid to State Home; regulations by managers of National Home; inspection—All States or Territories which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $120 per annum.

The number of such persons for whose care any State or Territory shall receive the said payment under this Act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers under such regulations as it may prescribe, but the said State or Territorial homes shall be exclusively under the control of the respective State or Territorial authorities, and the board of managers shall not have nor assume any management or control of said State or Territorial homes.

The board of managers of the national home shall, however, have power to have the said State or Territorial homes inspected at such times as it may consider necessary, and shall report the result of such inspections to Congress in its annual report: Provided, That no State shall be paid a sum exceeding one half the cost of maintenance of each soldier or sailor by such State: Provided further, That one half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for. That no money shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: Provided further, That for any sum or sums collected in any manner from inmates of

such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained. (Aug. 27, 1888, c. 911, § 1, 25 Stat. 450, amended, Jan 27, 1920, c. 56, 41 Stat 399.)

This section was amended by Act Jan 27, 1920, cited above, to read as set forth above. For the section prior to this amendment see U. S. Comp. St. 1918, § 9288. See in connection with this section Act March 2, 1889, c. 411, 25 Stat. 976.

§ 9290a. Transfer of certain furniture and equipment to Home—The Secretary of War is hereby authorized and directed to transfer without charge to the National Home for Disabled Volunteer Soldiers for its use all the furniture and equipment in good condition, including hospital and medical supplies, quartermaster, motor transport and utilities, ordnance and Signal Corps property, at Army General Hospital Numbered Forty-three at Hampton, Virginia, which is not required by the Army. (June 5, 1920, c. 235, § 1, 41 Stat. 903.)

From the sundry civil appropriation act for the year 1921, cited above.

§ 9291a. Jurisdiction of Southern Branch of Home ceded to Secretary of War for hospital purposes—That jurisdiction and control over the Southern Branch of the National Home for Disabled Volunteer Soldiers, located at Hampton, Virginia, be, and the same hereby is, transferred for the period of the war from the Board of Managers of the National Home for Disabled Volunteer Soldiers to the Secretary of War for use by the Medical Department of the Army for hospital purposes. (Nov. 7, 1918, c. 208, § 1, 40 Stat. 1042.)

This section, and the two sections next following are an act entitled "An act transferring jurisdiction and control for the period of the war over the Southern Branch of the National Home for Disabled Volunteer Soldiers from the board of managers of the National Home for Disabled Volunteer Soldiers to the Secretary of War for use of Army hospital purposes," cited above.

§ 9291b. Same; return to Board of Managers—Upon the close of the war or as soon thereafter as may be practicable, the Secretary of War shall cause said home to be vacated by the Medical Department of the Army, and thereupon jurisdiction and control over said home shall revert to said Board of Managers of the National Home for Disabled Volunteer Soldiers. (Nov. 7, 1918, c. 208, § 2, 40 Stat. 1043.)

See note to § 9291a, ante.

§ 9291c. Same; expenditure of appropriations for removal of inmates—The various items of appropriations heretofore or hereafter made for the support, maintenance, and other necessary expenses of said Southern Branch of the National Home for Disabled Volunteer Soldiers, be, and they hereby are, made available for payment of the cost of the transfer of the members of said home to other branches of the national home, and for the transfer of any property found to be necessary to transfer therefrom to other branches of the national home and for the support of the branches to which said members are transferred to the extent of the allotments thereof made by the said board of managers in consideration of and in the amount of an extra expense incurred by reason of said transfers and for the retransfer from said branches to said Southern Branch of the persons and property transferred as aforesaid at such time as jurisdiction and control over said Southern Branch shall be reinvested in said board of managers in accordance with the provisions of section two of this Act. (Nov. 7, 1918, c. 208, § 3, 40 Stat. 1043.)

See note to § 9291a, ante.

§ 9291d. Money allotted by Veterans' Bureau for support, etc., of World War veterans not to be used for support of Home—For the fiscal year 1925 and annually thereafter moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment or reimburse the appropriations made for the support of the National Home for Disabled Volunteer Soldiers, but shall be covered into the surplus fund of the Treasury, and the Budget for the fiscal year 1925 and thereafter shall contain itemized estimates covering the entire cost of the operation and maintenance of the National Home for Disabled Volunteer Soldiers, including the cost of the maintenance, support, and care of beneficiaries of the United States Veterans' Bureau in such homes. (March 2, 1923, c. 178, title II, 42 Stat. 1424.)

From the War Department appropriation act for the year 1924, cited above, repeated in part from the same appropriation act for the year 1923. Said act also contains the following provisions:

"Moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the United States Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment the appropriations made herein under the heads of 'Current Expenses,' 'Repairs,' and 'Farm' in an amount which will make the total expenditures for these respective purposes at the several branches exceed the amounts expended for such purposes during the fiscal year 1922. And the limitation in the War Department Appropriation Act for the fiscal year 1923, which reads: 'For the fiscal year 1924 and annually thereafter moneys allotted to the Board of Managers of the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau for support, maintenance, and care of World War veterans shall not be used to augment the appropriations made for the support of the National Home for Disabled Volunteer Soldiers' shall not be applicable for the fiscal year 1924 other than as specifically provided in this paragraph."

See, also, Act June 30, 1922, c. 253, title II, 42 Stat. 763.

Chapter Four—The Government Hospital for the Insane

§ 9293a. Deputy disbursing agent; appointment; bond; powers—Authority is granted to appoint a deputy disbursing agent who shall give a bond satisfactory to the Secretary of the Interior, and who shall have the same power as the disbursing agent during the absence of that officer. (June 5, 1920, c. 235, § 1, 41 Stat. 920.)

From the sundry civil appropriation act for the year 1921, cited above.

§ 9294a. Adjustment of compensation of officers and employés—The Secretary of the Interior is authorized to adjust the compensation of officers and employees at Saint Elizabeths Hospital. (July 19, 1919, c. 21, § 1, 41 Stat. 205.)

From the sundry civil appropriation act for the year 1920, cited above.

§ 9294b. Same; credit to accounts of disbursing agent—Hereafter the accounting officers of the Treasury are authorized to credit the accounts of the special disbursing agent of Saint Elizabeths Hospital with such amounts as he has or may hereafter pay in carrying out the provision of the Sundry Civil Act of July 19, 1919, relating to the readjustment of salaries at the hospital, and the schedule of salaries and allowances for maintenance, where the latter is not provided by the hospital, approved by the Secretary of the Interior August 1 and November 25, 1919, respectively, or as may be modified hereafter by him, notwithstanding the Act of April 6, 1914, or section 4839, Revised Statutes, United States, as amended. (March 6, 1920, c. 94, § 1, 41 Stat. 513.)

From the deficiency appropriation act for the year 1920, and prior years, cited above.

§ 9294c. Payment for care of patients in St. Elizabeth's hospital—During the fiscal year 1926 the District of Columbia, or any branch of the Government requiring Saint Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost for such maintenance as the case may be, and bills rendered by the Superintendent of Saint Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the Superintendent of Saint Elizabeths Hospital and the District of Columbia government, department, or establishments concerned All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive, shall be deposited to the credit on the books of the Treasury Department, of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of Saint Elizabeths Hospital, upon the approval of the Secretary of the Interior. * * (June 5, 1924, c 264, 43 Stat. 429. March 3, 1925, c. 462, 43 Stat. 1182)

From the Interior Department appropriation act for the year 1926, cited above. The same provisions are contained in a prior act

§ 9302a. Admission to; payment of cost of maintenance by Public Health Service—The Public Health Service, from and after July first, nineteen hundred and eighteen, shall pay to Saint Elizabeth's Hospital the actual per capita cost of maintenance in the said hospital of patients committed by that service. (July 1, 1918, c. 113, § 1, 40 Stat. 644)

From the sundry civil appropriation act for the year 1919, cited above

§ 9331c. Transfer of X-ray and dental outfits—The War Department is authorized to transfer to Saint Elizabeths Hospital the X-ray and dental outfits at present loaned to that hospital by the medical branch of the War Department. (July 19, 1919, c. 24, § 1, 41 Stat. 205.)

From the sundry civil appropriation act for the year 1920, cited above

§ 9331cc. Telephone system—Rental for a system of telephones connecting the superintendent's, physicians', and employees' quarters at the hospital with other locations on the hospital grounds may be paid hereafter from the appropriations for the support of the hospital (April 17, 1917, c. 3, § 1, 40 Stat. 19.)

From the deficiency appropriation act for the year 1917, and prior years, cited above

§ 9332a. Disposition of articles made by patients—The Secretary of the Interior is authorized to make regulations governing the disposal of articles produced by patients of Saint Elizabeths Hospital in the course of their curative treatment, either by allowing the patient to retain same or by selling the articles and depositing the money received to the credit of the appropriation from which the materials for making the articles were purchased. (March 6, 1920, c. 94, § 1, 41 Stat. 513.)

From the deficiency appropriation act for the year 1920, and prior years, cited above.

Chapter Five—The Columbia Institution for the Deaf

§ 9355a. Admission of pupils from States and Territories; increase of number—The number of beneficiaries in said institution authorized by the Act of June sixth, nineteen hundred (Thirty-first Statutes, page six hundred and twenty), to be received from the several States and Territories, is increased from one hundred to one hundred and twenty-five. (July 1, 1918, c 113, § 1, 40 Stat. 680)

From the sundry civil appropriation act for the year 1919, cited above

Chapter Six—National Cemeteries

§ 9368. Superintendents of cemeteries; Antietam battlefield—For pay of superintendent of Antietam battle field, said superintendent to perform his duties under the direction of the Quartermaster Corps and to be selected and appointed by the Secretary of War, at his discretion, the person selected for this position to be an honorably discharged Union soldier, $1,500 (June 30, 1922, c. 253, title II, 42 Stat. 756. March 2, 1923, c. 178, title II, 42 Stat 1417. June 7, 1924, c. 291, title II, 43 Stat 511. Feb 12, 1925, c. 225, title II, 43 Stat. 926.)

From the War Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

§ 9370. Appropriations for not expended for more than a single approach—No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery. (June 30, 1922, c 253, title II, 42 Stat. 756 March 2, 1923, c 178, title II, 42 Stat. 1417. June 7, 1924, c 291, title II, 43 Stat. 511. Feb. 12, 1925, c 225, title II, 43 Stat 926.)

From the War Department appropriation act for the year 1926, cited above The same provision is contained in prior acts

See ante, § 5289a

§ 9373. Who may be buried in; evidence of right—All soldiers, sailors, or marines dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served, or hereafter shall have served, during any war in which the United States has been, or may hereafter, be, engaged, and, with the consent of the Secretary of War, any citizen of the United States who served in the Army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man in the former case, and a duly executed permit of the Secretary of War in the latter case, shall be sufficient authority for the superintendent of any cemetery to permit the interment. Army nurses honorably discharged from their service as such may be buried in any national cemetery, and, if in a destitute condition, free of cost. The Secretary of War is authorized to issue certificates to those Army nurses entitled to such burial. (R S. § 4878, amended, March 3, 1897, c. 378, 29 Stat. 625, and April 15, 1920, c. 140, 41 Stat. 552)

For this section prior to the amendment by Act April 15, 1920, c. 140, see U. S. Comp. St. 1918, § 9373.

§ 9378. Encroachment by railroads on rights of way to—No railroads shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States. (June 30, 1922, c. 253, title II, 42 Stat. 756. March 2, 1923, c. 178, title II, 42 Stat. 1417. June 7, 1924, c. 291, title II, 43 Stat. 511. Feb. 12, 1925, c. 225, title II, 43 Stat. 926.)

From the War Department appropriation act for the year 1926, cited above. The same provision is contained in prior acts.

§ 9378a. Arlington Memorial Amphitheater; commission to make recommendations for inscriptions, entombments, etc., in—A commission is hereby created, to be composed of the Secretary of War and the Secretary of the Navy, which shall submit annually to the President, who shall transmit the same to Congress by the first Monday in December, recommendations as to what, if any, inscriptions, tablets, busts, or other memorials shall be erected, and what, if any, bodies of deceased members of the Army, Navy, and Marine Corps shall be entombed during the next ensuing year within the Arlington Memorial Amphitheater, in the Arlington National Cemetery, Virginia: Provided, That no memorial shall be placed and no body shall be interred in the grounds about the Arlington Memorial Amphitheater within a distance of two hundred and fifty feet from the said memorial. (March 4, 1921, c. 169, § 1, 41 Stat. 1440.)

This section, and the four sections next following, are an act entitled "An act to provide for the erection of memorials and the entombment of bodies in the Arlington Memorial Amphitheater, in Arlington National Cemetery, Virginia," cited above.

§ 9378b. Same; chairman and executive and disbursing officer of commission—The Secretary of War shall be the chairman of the said commission and the depot quartermaster of the Army in Washington shall be its executive and disbursing officer. (March 4, 1921, c. 169, § 2, 41 Stat. 1440.)

See note to § 9378a, ante.

§ 9378c. Same; specific authorization from Congress for inscriptions, entombments, etc.—No inscription, tablet, bust, or other memorial shall be erected nor shall any body be entombed within the Arlington Memorial Amphitheater unless specifically authorized in each case by Act of the Congress. (March 4, 1921, c. 169, § 3, 41 Stat. 1440.)

See note to § 9378a, ante.

§ 9378d. Same; restrictions on inscriptions, entombments, etc.—No inscription, tablet, bust, or other memorial as herein provided for shall be erected to commemorate any person who shall not have rendered conspicuously distinguished service in the United States Army, Navy, or Marine Corps, nor shall the body of any such person be entombed in the Arlington Memorial Amphitheater; nor shall any such memorial be erected or any body be entombed therein within ten years after the date of the death of the person so to be commemorated, except as heretofore or hereafter authorized by Congress. (March 4, 1921, c. 169, § 4, 41 Stat. 1440.)

See note to § 9378a, ante.

§ 9378e. Same; character of inscriptions, etc. The character, design, and location of any such inscriptions, tablets, busts, or other memorials when authorized as herein provided shall be subject to the approval of the commission herein created, which shall in each case obtain the advice of the Commission of Fine Arts. (March 4, 1921, c. 169, § 5, 41 Stat. 1440.)

See note to § 9378a, ante.

§ 9378f. Same; burial of unknown soldier in—That the Secretary of War be, and he is hereby, authorized and directed, under regulations to be prescribed by him, to cause to be brought to the United States the body of an American, who was a member of the American Expeditionary Forces who served in Europe, who lost his life during the World War and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

Such sum as may be necessary to carry out the provisions of the joint resolution is hereby authorized to be expended by the Secretary of War. (March 4, 1921, c. 175, 41 Stat. 1447.)

This is a resolution entitled a "Joint Resolution Providing for the bringing to the United States of the body of an unknown American, who was a member of the American Expeditionary Forces, who served in Europe and lost his life during the World War, and for the burial of the remains with appropriate ceremonies," cited above.

§ 9378ff. Same; congressional medal of honor and distinguished service cross for unknown soldier buried in—The President of the United States be, and he hereby is, authorized to bestow with appropriate ceremonies, military and civil, the congressional medal of honor and the distinguished service cross upon the unknown unidentified American to be buried in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia, on November 11, 1921. (Aug. 21, 1921, c. 87, 42 Stat. 191.)

This section is an act entitled "An act authorizing bestowal upon the unknown unidentified American to be buried in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia, the congressional medal of honor and the distinguished service cross," cited above.

§ 9378g. American Battle Monuments Commission; members; appointment; secretary; terms of office; vacancies; expenses; designation of personnel of Army, Navy, or Marine Corps to assist—A commission is hereby created and established, to be known as the American Battle Monuments Commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. The secretary shall also serve as disbursing officer of the commission, who shall make disbursements upon vouchers approved by its chairman.

The members of the commission shall serve without compensation except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.

Upon the request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this Act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this Act, within the limits of any appropriation or appropriations made for such purposes. (March 4, 1923, c. 283, § 1, 42 Stat. 1509.)

This section, and the eleven sections next following, are an act entitled "An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," cited above.

§ 9378gg. Same; powers and duties as to memorials—The commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and erect memorials therein at such places as the commission shall determine, including works of architecture and art in the American cemeteries in Europe.

The commission shall control as to materials and design, provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe, upon which units of the armed forces of the United States were actively engaged with the enemy, as will complete the historical photographic record of the operations of such units; and

the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department (March 4, 1923, c 283, § 2, 42 Stat 1509)

See note to § 9378g, ante.

§ 9378h. Same; approval of designs or materials for memorials by National Commission of Fine Arts—Before any design or material for memorials is accepted by the commission, the same shall be approved by the National Commission of Fine Arts (March 4, 1923, c. 283, § 3, 42 Stat. 1510)

See note to § 9378g ante.

§ 9378hh. Same; arrangements with foreign countries—The President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the commission to carry out the purposes of this Act. (March 4, 1923, c. 283, § 4, 42 Stat. 1510)

See note to § 9378g, ante

§ 9378i. Same; funds received from states, municipalities or private individuals—The commission is authorized to receive funds from any State, municipal, or private source for the purposes of this Act, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the chairman of the commission. (March 4, 1923, c. 283, § 5, 42 Stat 1510.)

See note to § 9378g, ante.

§ 9378ii. Same; preparation, etc., of memorials at arsenals or navy-yards; use of captured war material—Authority is hereby given for the preparation of models and designs and the fabrication of memorials, and the materials for such memorials, at arsenals or navy yards or by other governmental agencies, if the commission shall so determine

Authority is hereby given for the use of captured war materials, not otherwise disposed of by congressional action, in the fabrication of not to exceed ten thousand pounds of bronze to be used on the memorials constructed under the provisions of this Act Provided, That in the selection of materials the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes. (March 4, 1923, c. 283, § 6, 42 Stat. 1510)

See note to § 9378g, ante.

§ 9378j. Same; replicas of memorials—The commission is authorized to furnish replicas of any memorial, or any part thereof, to States, municipalities, or interested private persons or associations at actual cost, and to apply any proceeds from such sales to the purposes of this Act (March 4, 1923, c. 283, § 7, 42 Stat. 1510.)

See note to § 9378g, ante.

§ 9378jj. Same; cooperation with states, etc., in erection of memorials—The commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe in such manner as may be determined by the commission: Provided, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this Act. (March 4, 1923, c. 283, § 8, 42 Stat. 1510.)

See note to § 9378g, ante.

§ 9378k. Same; maintenance of memorials erected—It shall be the duty of the Secretary of War to maintain the memorials erected by the commission under authority of this Act, and the commission shall advise the Secretary of War of the location and date of completion of each memorial. (March 4, 1923, c 283 § 9, 42 Stat 1510.)

See note to § 9378g, ante

§ 9378kk. Same; statements to President—The commission shall transmit to the President of the United States annually on the 1st of July a statement of all its financial and other transactions during the preceding fiscal year. (March 4, 1923, c 283, § 10. 42 Stat. 1510)

See note to § 9378g, ante

§ 9378l Same; appropriation—Such sum or sums as Congress may hereafter appropriate for the purposes of this Act are hereby authorized to be appropriated. (March 4, 1923, c. 283, § 11, 42 Stat. 1510)

See note to § 9378g, ante

§ 9378ll. Same; records and archives—The records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of War. (March 4, 1923, c. 283, § 12, 42 Stat. 1510)

See note to § 9378g, ante

§ 9378m. American Battle Monument Commission; expenses of Army officers serving on Commission—When traveling with the commission or on the business of the commission officers of the Army serving as members or as secretary of the commission shall be reimbursed as provided by law for Army officers. (April 2, 1924, c. 81, § 1, 43 Stat 35. June 7, 1924, c. 292, § 1, 43 Stat 522)

From the Executive Office and independent executive bureaus, boards, commissions, and offices, appropriation act for the year 1925, cited above. A somewhat similar provision is contained in prior acts.

§ 9378n. Disbursing agent for disbursement of expenditures outside of United States—Disbursements for expenditures outside of continental United States may be made by a special disbursing agent designated by the commission and under such regulations as it may prescribe. (April 2, 1924, c 81, § 1, 43 Stat 35 June 7, 1924, c. 292, § 1, 43 Stat 522.)

From the executive office and independent executive bureaus, boards, commissions and offices appropriation act for the year 1925, cited above. A similar provision is contained in a prior act cited above.

§ 9378o. Burial grounds containing remains of Zachary Taylor; appropriation for care, etc., of—There is hereby authorized to be appropriated, out of any money in the Treasury, not otherwise appropriated, the sum of $10,000, for the care, maintenance, and improvement of the burial grounds, comprising approximately five acres, containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, located on the Brownsboro Road in Jefferson County, Kentucky.

The appropriation herein authorized shall be expended by and under the supervision of the Secretary of War. (Feb. 24, 1925, c. 306, § 1, 43 Stat. 970)

This section, and the section next following, are an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes," cited above

§ 9378p. Same; national cemetery—That the Secretary of War be, and he is hereby, authorized to accept, free of cost to the United States Government, from the State of Kentucky, and from any others having authority to convey same, the land comprising the aforesaid burial grounds; and upon the presentation of good and perfect title to said land the Secretary of War is authorized and directed to establish thereon a national cemetery. (Feb. 24, 1925, c. 306, § 2, 43 Stat. 970.)

See note to § 9378o, ante.

TITLE LIX A—EDUCATION AND EDUCATIONAL INSTITUTIONS

Chapter D—American Printing House for the Blind

§ 9388a. Additional permanent annual appropriation—For the purpose of enabling the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind there is hereby authorized to be appropriated annually to it in addition to the permanent appropriation of $10,000 made in the Act entitled "An Act to promote the education of the blind," approved March 3, 1879, as amended, the sum of $40,000, which sum shall be expended in accordance with the requirements of said Act to promote the education of the blind. (Aug 4, 1919, c 31, 41 Stat. 272)

This section is an act entitled "An act providing additional aid for the American Printing House for the Blind," cited above.

§ 9389a. Publications for National Library for the Blind—Two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at Seventeen hundred and twenty-nine H Street Northwest, Washington, District of Columbia. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 332.)

From the deficiency appropriation act for the year 1920, and prior years, cited above.

Chapter F—Vocational Education

The provisions of the vocational education act, and amendatory and supplementary acts, are extended to the Territory of Hawaii by Act March 10, 1924, c 46, § 4, ante, § 3746b⅝.

TITLE LIX A1—THE AMERICAN LEGION

§ 9390½. Corporation created; incorporators—That the following persons, to wit: William S. Beam, of North Carolina, Charles H. Brent, of New York; William H. Brown, of Connecticut; G. Edward Buxton, junior, of Rhode Island; Bennett C Clark, of Missouri; Richard Derby, of New York; L. H. Evridge, of Texas; Milton J. Foreman, of Illinois; Ruby D. Garrett, of Missouri; Fred J. Griffith, of Oklahoma; Roy C. Haines, of Maine; John F. J. Herbert, of Massachusetts; Roy Hoffman, of Oklahoma; Fred B. Humphreys, of New Mexico, John W. Inzer, of Alabama; Stuart S. Janney, of Maryland; Luke Lea, of Tennessee; Henry Leonard, of Colorado; Henry D. Lindsley, of Texas; Ogden L Mills, of New York; Thomas W. Miller, of Delaware; Edward Myers, of Pennsylvania; Franklin D'Olier, of Pennsylvania, W. G Price, junior, of Pennsylvania; S. A. Ritchie, of New York; Theodore Roosevelt, junior, of New York, Albert A. Sprague, of Illinois; John J. Sullivan, of Washington; Dale Shaw, of Iowa; Daniel G. Stivers, of Montana; H. J. Turney, of Ohio; George A. White, of Oregon; Eric Fisher Wood, of Pennsylvania; George H. Wood, of Ohio; Mathew H. Murphy, of Alabama; Andrew P. Martin, of Arizona; J. J. Harrison, of Arkansas; Henry G. Mathewson, of California; H. A. Saidy, of Colorado; Alfred M. Phillips, junior, of Connecticut; George N. Davis, of Delaware; A. H. Blanding, of Florida, Walter Harris, of Georgia; E. C. Boom, of Idaho, George G Seaman, of Illinois; Raymond S Springer, of Indiana, Mathew A Tinley, of Iowa, W A Phares, of Kansas: Henry De Haven Moorman, of Kentucky, T. Semmes Walmsley, of Louisiana, A L. Robinson, of Maine; James A Gary, junior, of Maryland; George C Waldo, of Michigan, Harrison Fuller, of Minnesota, Alexander Fitzhugh, of Mississippi, H. C. Clark, of Missouri; Charles E. Pew, of Montana; John G. Maher, of Nebraska; J. G. Scrugham, of Nevada, Frank Knox, of New Hampshire, Hobart Brown, of New Jersey; Charles M. De Bremon, of New Mexico; C. K. Burgess, of North Carolina; Julius Baker, of North Dakota; F. C. Galbraith, of Ohio; Ross N. Lillard, of Oklahoma; E. J. Elvers, of Oregon, George F Tyler, of Pennsylvania; Alexander H. Johnson, of Rhode Island; Julius H Walker, of South Carolina, M L Shade, of South Dakota, Roane Waring, of Tennessee, Claude V. Birkhead, of Texas, Wesley E King, of Utah, Charles Francis Cocke, of Virginia, H. Nelson Jackson, of Vermont; Harvey I. Moss, of Washington; Jackson Arnold, of West Virginia; John C. Davis, of Wisconsin; A. H. Beach, of Wyoming; E Lester Jones, of the District of Columbia, Lawrence Judd, of Hawaii, Robert R Landon, of the Philippine Islands, and such persons as may be chosen who are members of the "American Legion," an unincorporated patriotic society of the soldiers, sailors, and marines of the Great War, 1917–1918 known as the "American Legion," and their successors, are hereby created and declared to be a body corporate The name of this corporation shall be "The American Legion." (Sept. 16, 1919, c. 59, § 1, 41 Stat. 284)

This section and the ten sections next following, are an act entitled "An act to incorporate the American Legion," cited above

§ 9390½a. Organization of corporation; delegates—Said persons named in section 1 and such other persons as may be selected from among the membership of the American Legion, an unincorporated society of the soldiers, sailors, and marines of the Great War of 1917–1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this Act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the "American Legion" shall be permitted to participate in the proceedings thereof. (Sept. 16. 1919, c. 59, § 2, 41 Stat. 284.)

See note to § 9390½, ante.

§ 9390½b. Purposes of corporation—The purpose of this corporation shall be: To promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the Great War of 1917–1918; to cement the ties of love and comradeship born of service, and to consecrate the efforts of its members to mutual helpfulness and service to their country. (Sept 16, 1919, c. 59, § 3, 41 Stat. 285.)

See note to § 9390½, ante.

§ 9390½c. Powers of corporation—The corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State, to use in carrying out the purposes of the corporation such emblems and badges

as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations: to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation. (Sept. 16, 1919, c 59, § 4, 41 Stat 285.)

See note to § 9390½, ante

§ 9390½d. Persons eligible to membership—No person shall be a member of this corporation unless he served in the naval or military service of the United States at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, or who, being citizens of the United States at the time of enlistment, served in the military or naval services of any of the Governments associated with the United States during the Great War. (Sept. 16, 1919, c. 59, § 5. 41 Stat. 285)

See note to § 9390½, ante

§ 9390½e. Political activities prohibited—The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office. (Sept. 16, 1919, c. 59, § 6, 41 Stat 285.)

See note to § 9390½, ante.

§ 9390½f. Acquisition of assets of existing American Legion—Said corporation may acquire any or all the assets of the existing unincorporated national organization known as the "American Legion" upon discharging or satisfactorily providing for the payment and discharge of all its liabilities. (Sept. 16, 1919, c. 59, § 7, 41 Stat. 285.)

See note to § 9390½, ante.

§ 9390½g. Use of name "American Legion"—Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The American Legion." (Sept. 16, 1919, c. 59, § 8, 41 Stat. 285.)

See note to § 9390½, ante

§ 9390½h. Reports to Congress—The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: Provided, however, That said report shall not be printed as public documents. (Sept. 16, 1919, c. 59, § 9, 41 Stat. 285.)

See note to § 9390½, ante.

§ 9390½i. Agents for service of process—As a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served. (Sept. 16, 1919, c. 59, § 9½, 41 Stat. 285.)

See note to § 9390½, ante.

§ 9390½j. Reservation of right to repeal act—The right to repeal, alter, or amend this act at any time is hereby expressly reserved. (Sept. 16, 1919, c. 59, § 10, 41 Stat. 285.)

See note to § 9390½, ante.

TITLE LIX A2—BELLEAU WOOD MEMORIAL ASSOCIATION

§ 9390¾. Incorporators; name—Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E Freeman, Margaret Overman Gregory, Harry V Haynes, John A LeJeune. A L McClellan, Wendell C Neville, Frank B Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are hereby created a body corporate by the name of "Belleau Wood Memorial Association" (March 3, 1923, c. 228, § 1, 42 Stat 1441)

This section, and the five sections next following, are an act entitled "An act to incorporate the Belleau Wood Memorial Association," cited above

§ 9390¾a. Purposes of corporation—The purposes of this corporation shall be (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes, and (e) to care for and maintain such memorial. (March 3, 1923, c. 228, § 2, 42 Stat. 1441)

See note to § 9390¾, ante

§ 9390¾b. Powers of corporation—The corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of, such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with, or permitted by, the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created. (March 3, 1923, c 228, § 3, 42 Stat. 1441.)

See note to § 9390¾, ante.

§ 9390¾c. Transfer of property to by Belleau Wood Memorial Association incorporated under laws of District of Columbia—The Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this Act all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of, and claims against, such association, and all of such obligations and claims may be enforced against the corporation. (March 3, 1923, c. 228, § 4, 42 Stat. 1441.)

See note to § 9390¾, ante.

§ 9390¾d. Reports to Congress—The corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be

printed as public documents. (March 3, 1923, c. 228, § 5, 42 Stat 1441)

See note to § 9390¼, ante

§ 9390¼e. Alteration, amendment, etc., of act—The right to alter, amend, or repeal this Act at any time is hereby expressly reserved. (March 3, 1923, c 228, § 6, 42 Stat 1441.)

See note to § 9390¼, ante

TITLE LIX A3—GRAND ARMY OF THE REPUBLIC

§ 9390½. Body corporate; name; corporate powers—The organization known as the Grand Army of the Republic with a membership limited to persons who served as soldiers and sailors of the United States Army and Navy or Marine Corps and Revenue-Cutter Service between April 12, 1861, and April 9, 1865, and of such State regiments as were called into active service and subject to the orders of the United States general officers between the dates mentioned, and have been honorably discharged therefrom after such service, is hereby created a body corporate and politic of the District of Columbia, by the name of "The Grand Army of the Republic," by which name it shall be a person in law, capable of suing and being sued, and of having and exercising all incidental powers as a litigant or otherwise as if it were a natural person, with power to acquire by purchase, gift, devise, or bequest, and to hold, convey, or otherwise dispose of property, real or personal, as may be necessary or calculated to carry into effect the patriotic, fraternal, and charitable purposes of its organization. (June 3, 1924, c 242, § 1, 43 Stat. 358)

This section, and the six sections next following, are an act entitled "An act for the incorporation of the Grand Army of the Republic," cited above.

§ 9390½a. Object and purpose of corporation; office; acquisition, etc., of property—The object and purpose of this corporation shall be to perpetuate the name of "The Grand Army of the Republic" and to preserve in corporate form said organization as now and hereafter maintained and conducted, and to thus provide and continue an agency and instrumentality through and by which its members, for and during the remainder of their natural lives, may assemble and meet for the promotion of comradeship and social intercourse. The corporation shall not at any time engage in any business for pecuniary profit and gain.

The principal office of this corporation shall be kept and maintained in the city of Washington, District of Columbia, but annual, or other meetings, of its governing body and members may be held in any State or Territory of the Union, and the corporation shall have the power to possess and hold property needful or desirable for its objects and purposes anywhere in the United States or any of its territories or dependencies, consistently with the provisions of local laws pertaining thereto. (June 3, 1924, c. 242, § 2, 43 Stat. 359.)

See note to § 9390½, ante

§ 9390½b. Governing body—The supreme governing and controlling authority in said organization shall be the national encampment thereof, composed of representatives from the several department encampments as are now or may hereafter be organized: Provided, That there shall never be any change in the plan of organization of said national encampment that shall materially change its present representative form of government or render possible the concentration of the control thereof in the hands of a limited number, or in a self-perpetuating body not representative of the membership at large. (June 3, 1924, c 242, § 3, 43 Stat. 359)

See note to § 9390½, ante

§ 9390½c. Membership—The qualifications for membership in said organization, except as they are limited by the provisions of section 1 of this Act, and the rights and privileges of the members thereof, shall be such as are fixed by the ordinances, rules, and regulations adopted by said national encampment (June 3, 1924, c. 242, § 4, 43 Stat. 359)

See note to § 9390½, ante.

§ 9390½d. Agencies of corporation—The activities of said corporation shall be exercised through and by the following agencies, in accordance with the laws, rules, and regulations now in force, or such as may be hereafter enacted by the national encampment thereof, namely:

First. Through the national encampment, its officers and committees.

Second. Through such department encampments as may have been heretofore, or as may be hereafter, organized, their officers and committees.

Third. Through such posts as may have been heretofore, or may be hereafter, organized, their officers and committees.

Such department encampments shall be subject and subordinate in authority to the national encampment, and such posts shall be also subject to such control, exercised through the department encampment and department officers of the particular department to which it belongs. (June 3, 1924, c. 242, § 5, 43 Stat. 359.)

See note to § 9390½, ante

§ 9390½e. Corporate existence; modification of governing powers—The corporate existence of the Grand Army of the Republic, and the exclusive rights of its surviving members to wear the insignia of membership therein, shall terminate only when the last of its members dies: Provided, however, That if at any national encampment hereafter held, a memorial shall be adopted by the vote of three-fourths of the members present, reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it is no longer advisable and practicable to hold future national annual encampments, such action shall not operate to deprive said organization of any of its corporate powers, but the government thereof may be modified to provide for such contingency, subject to the restrictions contained in section 3 of this Act: Provided, That nothing in this Act shall in any manner affect the right or the power of such posts or departments to dispose of, or otherwise affect the ownership of, property held by any post or department in its own name, nor affect the right of such posts or departments to organize corporations under State laws for the purpose of caring for and disposing of such property. (June 3, 1924, c. 242, § 6, 43 Stat. 360.)

See note to § 9390½, ante.

§ 9390½f. Disposition of property, archives, etc.—The national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolution shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution. (June 3, 1924, c. 242, § 7, 43 Stat. 360.)

See note to § 9390½, ante.

TITLE LIX A4—UNITED STATES BLIND VETERANS OF WORLD WAR

§ 9390⅞. Incorporators—The following persons, to wit James P. Funk, of Pennsylvania, Bernard Corcoran, of New York, James Kozeluh, of Arkansas; Earl Booher, of Kansas, Carl Bronner, of Michigan, Samuel Hendrickson, of Cincinnati; Harvey E Gilbert, of Illinois; Quiller Cole, of Georgia; Lawrence A. Bunce, of Colorado; Ludwig Gumnish, of New York; Richard H. Miller, junior, of Maryland; Charles R. Fear, of Pennsylvania; Oscar M. Simpkins, of Oklahoma; Everett L. Radford, of Texas; Thomas H. Huskey, of Missouri; Lee M. Brame, of Alabama; Frank O Berg, of Wisconsin; Henry G. Beggs, of Georgia, Lawrence V. Morrow, of Missouri; Charles R. Leguerrir, of Missouri, Walter Taylor, of Missouri; Laigear Antee, of Louisiana; Alois F. Greene, of Illinois; Loyal M Holmes, of Maryland; Newton A. Kulp, of Pennsylvania; Roswell D. Pitman, of New York; Connie L. McLean, of Texas; Hamilton C. Miles, of Ohio; John J Austin, of South Dakota; Irvine E. Barnes, of Missouri; Bertie W Randall, of Missouri; Max N. Kujawski, of Indiana, Charles Freeland, of Illinois, James M. Daniels, of Tennessee; William E. Yates, of Texas, Mike Kereli, of Ohio; Peter Lionudakes, of Utah; Vaclav T. Jesek, of Texas; Samuel Hillman, of Ohio; Herbert S. Journeau, of Michigan; Charles F. Ross, of New York; Morgan Rose, of New York; Walter F Develing, of Illinois; Rudolph E. Frye, of Maryland; Steve D. Tanner, of Montana; Joseph Hulin, of North Carolina; Blaine G Yeoman, of Oklahoma. Thomas Williams, of West Virginia; William J Murray, of New York; Ivan E. Bushong, of Washington; Raymond Washburn, of Ohio; William P. Alexander, of Kentucky; Burl Glover, of Ohio; John H Williams, of Washington; Joseph L. Herver, of Oklahoma; Daniel Carbone, of Pennsylvania; John J. Varga, of Connecticut; John J. Rapp, of Pennsylvania; Charles S. Bennett, of Arkansas; Richard Knigge, of Idaho; Walter Mau, of New York; Domenico Capuczi, of New York; John Kosic, of Massachusetts; Raymond S. Day, of Pennsylvania; Harry Herring, of Pennsylvania; Samuel Singer, of Massachusetts; George Graves, of Missouri; Abe Kittay, of New York; John Halahan, of Pennsylvania; Frank J Lhota, of Pennsylvania; Edward J. Paulson, of Pennsylvania; Ellis De Witt, of the District of Columbia; Bernard Cady, of Maryland; John Marzullo, of Illinois; Joe Brew, of Pennsylvania; Lloyd Pierson, of Nebraska; Philip N. Harrison, of Pennsylvania, and their successors, are hereby created and declared to be a body corporate of the District of Columbia. The name of this corporation shall be "The United States Blind Veterans of the World War." (June 7, 1924, c. 296, § 1, 43 Stat. 535.)

This section, and the seven sections next following, are an act entitled "An act to incorporate the United States Blind Veterans of the World War," cited above

§ 9390⅞a. Completion of organization—Said persons named in section 1 are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this Act. (June 7, 1924, c. 296, § 2, 43 Stat. 535.)

See note to § 9390⅞, ante

§ 9390⅞b. Purpose of corporation—The purposes of said corporation are to bind together for their mutual fellowship and assistance those citizens of the United States of America who have served their country in war, and who bear as a mark of such service the loss of their sight and to perpetuate and keep alive the memories of their comradeship and to enable them by their organization to render what aid they can to the blind in general (June 7, 1924, c. 296, § 3, 43 Stat. 535)

See note to § 9390⅞, ante

§ 9390⅞c. Corporate powers—The corporation created by this Act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State and Territorial organizations and local chapter or post organizations, to publish a magazine or other publications, and generally do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation. (June 7, 1924, c. 296, § 4, 43 Stat. 536.)

See note to § 9390⅞, ante

§ 9390⅞d. Membership—Any honorably discharged American veteran of the allied forces who participated in the World War and whose vision has become defective to such an extent that he is eligible for training under Supervisor for the Blind of the United States Veterans' Bureau, and any ex-serviceman who is eligible for such training shall be eligible for "active membership" in the United States Blind Veterans of the World War The members of this corporation shall have the power to admit such other persons to "honorary" membership as they may see fit. (June 7, 1924, c. 296, § 5, 43 Stat. 536.)

See note to § 9390⅞, ante

§ 9390⅞e. Nonpolitical nature of corporation—This orgnization shall be nonpolitical and shall not be used for the dissemination of partisan principles. (June 7, 1924, c. 296, § 6, 43 Stat. 536.)

See note to § 9390⅞, ante

§ 9390⅞f. Exclusive right to name—Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "The United State Blind Veterans of the World War." (June 7, 1924, c. 296, § 7, 43 Stat. 536.)

See note to § 9390⅞, ante.

§ 9390⅞g. Repeal, etc., of act—The right to repeal, alter, or amend this Act at any time is hereby expressly reserved. (June 7, 1924, c. 296, § 8, 43 Stat. 536.)

See note to § 9390⅞, ante.

TITLE LIX A5—AMERICAN WAR MOTHERS

§ 9390⅒. Incorporators—The following-named persons, namely: Alice M. French, founder, Indianapolis, Indiana; Mable C. Digney, State War Mother, White Plains, New York; Mrs. George Gordon Seibold, Washington, District of Columbia; Mary I. Huntington, State War Mother, Bloomington, Indiana; Edna C. Wilson, State War Mother, Warrensburg, Missouri; Libbie Thomas, State War Mother, Racine, Wisconsin; Virginia Hoaen, State War Mother, Frankfort, Kentucky; A. Shanahan, State War Mother, Jersey City, New Jersey; Blanche A. Bellak, State War Mother, Philadelphia, Pennsylvania; Lyd-

ia Burby, State War Mother, Butte, Montana: Estelle T Wilcox, State War Mother, Omaha, Nebraska, Emile Hendricks, State War Mother, Salem, Oregon, Grace R Montgomery, State War Mother, Charlotte, North Carolina; Kate C. DeKay, State War Mother, Blackfoot, Idaho, Enzabeth Allen, State War Mother, Loveland, Colorado, Ida McCullough, State War Mother, Ottawa, Illinois; Rose S Sargent, State War Mother, San Francisco, California; Jessie Monahan, State War Mother, Edmond, Oklahoma; Margaret N. McCluer, Kansas City, Missouri; Carrie R Root, Gardner, Illinois, Mary E. Spence, Milwaukee, Wisconsin, Alice Bronson Oldham, Lexington, Kentucky; Florence A. Latham, Kansas City, Missouri; Mahala M. Boyd, New Castle, Indiana; Carrie White Avery, Washington, District of Columbia; H. C Morrison, Shelbyville, Indiana, Jeanette Boone, Kansas City, Missouri; Gertrude R Cary, Joliet, Illinois, Mrs. R E. Little, Wadesboro, North Carolina; Mrs Isabelle Clements, Sacramento, California; Mrs Alice E Evans, Pueblo, Colorado, Mrs. Mary Dawson, Idaho Falls, Idaho; Mrs. Jessie T Lesh, Chicago, Illinois; Mrs Harry C. Morrison, Shelbyville, Indiana; Mrs. Jessie E. Moody, Cartersville, Missouri; Mrs J L. Roddy, North Platte, Nebraska; Mrs. Catherine H Connelly, Newark, New Jersey; Mrs. Ella O'Gorman Stanton, Bronx, New York City, New York; Mrs R C. Warren, Gastonia, North Carolina; Mrs Hattie V Selkin, Oklahoma City, Oklahoma; Mrs. Ida Boxwell, Middletown, Ohio, Mrs. Charles S Fohl, Harrisburg, Pennsylvania; Mrs E L. Phillip, Milwaukee, Wisconsin, Mrs Julia A. Wilkinson, Portland, Maine, and their associates and successors duly chosen are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of American War Mothers, and by such name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained. (Feb. 24, 1925, c. 303, § 1, 43 Stat. 966.)

This section, and the fourteen sections next following, are an act entitled "An act to incorporate the American War Mothers," cited above.

§ 9390½a. Completion of organization—The persons named in section 1 hereof and such other persons as may be selected from among the membership of American War Mothers, an association of women whose sons and daughters served the allied cause in the great World War between the dates of April 6, 1917, and November 11, 1918, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this Act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing organization known as American War Mothers shall be permitted to participate in the proceedings thereof. (Feb. 24, 1925, c. 303, § 2, 43 Stat. 967.)

See note to § 9390½, ante

§ 9390½b. Purpose of corporation—The object of the corporation shall be to keep alive and develop the spirit that prompted world service; to maintain the ties of fellowship born of that service and to assist and further any patriotic work; to inculcate a sense of individual obligation to the community, State, and Nation; to work for the welfare of the Army and Navy; to assist in any way in their power men and women who served and were wounded or incapacitated in the World War; to foster and promote friendship and understanding between America and the Allies in the World War. (Feb. 24, 1925, c. 303, § 3, 43 Stat. 967.)

See note to § 9390½, ante.

§ 9390½c. Meetings—Said corporation shall hold its meetings in such place as the incorporators or their successors shall determine (Feb. 24, 1925, c. 303, § 4, 43 Stat 967.)

See note to § 9390½, ante

§ 9390½d. Corporate powers—The corporation created by this Act shall have the following powers To have succession until the membership as hereinafter provided for shall become extent, with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes, to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt, to establish and maintain offices for the conduct of its business; to establish State, Territorial, and local subdivisions; to publish a magazine or other publications, and generally to do any and all such Acts and things as may be necessary and proper to carry into effect the purposes of the corporation. (Feb. 24, 1925, c. 303, § 5, 43 Stat. 967.)

See note to § 9390½, ante.

§ 9390½e. Property; exemption from taxation—All of the personal property and funds of the corporation held or used for the purposes hereof, pursuant to the provisions of this Act, whether of principal or income, shall, so long as the same shall be so used, be exempt from taxes by the United States or any Territory or District thereof: Provided, That said corporation shall not accept, own, or hold directly or indirectly any property, real or personal, except such as may be reasonably necessary to carry out the purposes of its creation as defined in this Act. (Feb. 24, 1925, c 303, § 6, 43 Stat 967.)

See note to § 9390½, ante

§ 9390½f. Membership—Membership is limited to women, and no woman shall be a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood served in the Army or Navy of the United States or in the military or naval service of its allies in the great World War at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, having an honorable discharge or still in the service (Feb. 24, 1925, c. 303, § 7, 43 Stat. 968)

See note to § 9390½, ante.

§ 9390½g. Nonpolitical—This organization shall be nonpolitical, and as an organization shall not promote the candidacy of any person seeking public office. (Feb. 24, 1925, c. 303, § 8, 43 Stat. 968.)

See note to § 9390½, ante.

§ 9390½h. Assets of existing corporation—Said corporation may acquire any or all of the assets of the existing organization known as American War Mothers upon discharging or satisfactorily providing for the payment and discharge of all its liabilities. (Feb. 24, 1925, c. 303, § 9, 43 Stat. 968)

See note to § 9390½, ante.

§ 9390½i. Exclusive right to name—Said corporation and its State, Territorial, and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its business purposes the name of American War Mothers. (Feb. 24, 1925, c. 303, § 10, 43 Stat. 968.)

See note to § 9390½, ante.

§ 9390½j. Reports to Congress—Said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: Provided, however, That said report

shall not be printed as a public document. (Feb. 24, 1925, c. 303, § 11, 43 Stat 968)

See note to § 9390⅒, ante

§ 9390⅒k. State agents—As a condition precedent to the exercise of any power or privilege herein granted or conferred this corporation shall file in the office of the secretary of each State the name and post-office address of an authorized agent in such State upon whom local process or demands against American War Mothers may be served. (Feb. 24, 1925, c 303, § 12, 43 Stat. 968)

See note to § 9390⅒, ante

§ 9390⅒l. Acceptance of act—This charter shall take effect upon its being accepted by a majority vote of the incorporators named herein who shall be present at the first meeting of the corporation, due notice of which meeting shall be given to each of the incorporators named herein, and a notice of such acceptance shall be given by said corporation, causing a certificate to that effect, signed by its president and secretary, to be filed in the office of the recorder of deeds of the District of Columbia. (Feb. 24, 1925, c. 303, § 13, 43 Stat 968)

See note to § 9390⅒, ante.

§ 9390⅒m. Repeal, etc., of act—Congress may from time to time alter, repeal, or modify this Act of incorporation, but no contract or individual right made or acquired shall hereby be divested or impaired. (Feb. 24, 1925, c 303, § 14, 43 Stat. 968)

See note to § 9390⅒, ante

§ 9390⅒n. Present officers—That the management and direction of the affairs of the corporation and the controlling and disposing of its property and funds shall be vested in the persons duly elected at the last annual convention held in Kansas City, Missouri, who shall be the officers of the American War Mothers for the year beginning October, 1923, to serve until the next annual convention to be held at Philadelphia, Pennsylvania, on October 8, 1925, or until their successors are duly appointed, and who are the following:

Margaret N. McCluer, National War Mother, Kansas City, Missouri; Carrie L. Root, first vice National War Mother, Gardner, Illinois; Blanche A. Bellak, second vice National War Mother, Philadelphia, Pennsylvania; Mary E. Spence, third vice National War Mother, Milwaukee, Wisconsin; Rose S Sargent, fourth vice National War Mother, San Francisco, California; Alice Bronson Oldham, national recording secretary, Lexington, Kentucky; Florence A. Latham, national corresponding secretary, Kansas City, Missouri, Mahala M. Boyd, national treasurer, Newcastle, Indiana; Kate C. De Kay, national historian, Blackfoot, Idaho; Carrie White Avery, national custodian of records, Washington, District of Columbia; Estelle T. Wilcox, national auditor, Omaha, Nebraska. (Feb. 24, 1925, c. 303, § 15, 43 Stat 968.)

See note to § 9390⅒, ante.

TITLE LIX B—NATIONAL TRAINING SCHOOLS

Chapter B—National Training School for Girls

§ 9415a. Site for school; inmates—The president of the board of trustees of the National Training School for Girls of the District of Columbia is hereby authorized and directed to purchase a tract of land of not more than one hundred and sixty acres, situated in the District of Columbia or in the State of Maryland or in the State of Virginia, as a site for the use of said school, and the said board of trustees is hereby authorized to construct on said tract buildings of sufficient capacity to accommodate not more than one hundred and fifty persons, the plans and specifications for which shall be prepared by the municipal architect of the District of Columbia. The purchase price for the said tract of land, the erection of the said buildings, and all expenses incidental thereto shall not exceed the sum of $62,000, which amount is hereby appropriated for that purpose The title to the said property shall be taken directly to and in the name of the United States; and in case a satisfactory price can not be agreed upon for the purchase of said land, or in case the title can not be made satisfactory to the Attorney General of the United States, then the latter is directed to acquire said tract of land by condemnation and the expense of procuring evidence of title, or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said tract. The board of trustees of said school may, in their discretion, remove and transport to the aforesaid tract for such legal periods as they may see fit any of the girls who may have been committed to the National Training School for Girls in the District of Columbia, and the board of trustees of said school shall have the same power and authority over such girls during the period of their commitment to said tract, or while they are being conducted to or from said tract, as they now possess over such girls within the limits of the District of Columbia. When the buildings herein authorized to be constructed shall be in readiness to receive girls committed to the National Training School for Girls, it shall not be lawful to keep white and colored girls on the same reservations under the control of the board of trustees of said school. (Feb. 28, 1923, c. 148, § 1, 42 Stat 1358)

From the District of Columbia appropriation act for the year 1924, cited above.

§ 9426a. Appropriations; disbursement—On and after July 1, 1920, appropriations made for the National Training School for Girls shall be disbursed by the disbursing officer of the District of Columbia in the manner now provided by law for expenditure from appropriations for general expenses of the government of said District. (June 5, 1920, c 234, § 1, 41 Stat. 865.)

From the District of Columbia appropriation act for the year 1921, cited above.

TITLE LX—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter One—Patents

Mistake by Patent Office in registration of patent, see post, § 9496a.

§ 9427. Patents, how issued, attested, and recorded—All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the commissioner, and shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose. (R. S. § 4883,

amended, Feb 18, 1888, c 15, 25 Stat 40, April 11, 1902, c 417, 32 Stat 95, and Feb. 18, 1922, c 58, § 5, 42 Stat 391)

For this section prior to its amendment by Act Feb 18, 1922, c 58, § 5, see U S Comp St. 1918, § 9427.

§ 9431a. Certain priority rights extended—The rights of priority provided by section 4887 of the Revised Statutes, for the filing of applications for patent for inventions and designs, which rights had not expired on the 1st day of August, 1914, or which rights have arisen since the 1st day of August 1914, shall be, and the same are hereby, extended until the expiration of a period of six months from the passage of this Act in favor of the citizens of the United States or citizens or subjects of all countries which have extended, or which now extend, or which within said period of six months shall extend substantially reciprocal privileges to citizens of the United States, and such extension shall apply to applications upon which patents have been granted, as well as to applications now pending or filed within the period herein. Provided, That such extension shall in no way furnish a basis of claim against the Government of the United States: Provided further, That such extension shall in no way affect the right of any citizen of the United States, who, before the passage of this Act was bona fide in possession of any rights in patents or applications for patent conflicting with rights in patents granted or validated by reason of such extension, to exercise such rights by itself or himself personally, or by such agents, or licensees, as derived their rights from it, or him, before the passage of this Act, and such persons shall not be amenable to any action for infringement of any patent granted or validated by reason of such extension.

A patent shall not be refused on an application coming within the provisions of this Act, nor shall a patent granted on such application be held invalid by reason of the invention having been patented or described in any printed publication or in public use or on sale in the United States prior to the filing of the application, unless such patent or publication or such public use or sale was prior to the filing of the foreign application upon which the right of priority is based (March 3, 1921, c 126, § 1, 41 Stat 1313.)

This section, and the seven sections next following, are an act entitled "An act to extend temporarily the time of filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes," cited above. For Rev. St § 4887, as amended, see U. S Comp. St. 1918, § 9431.

§ 9431b. Time for payment of fee or taking of action extended—The time now fixed by law for the payment of any fee or for the taking of any action with respect to an application for patent, which time had not expired on August 1, 1914, or which commenced after August 1, 1914, is hereby extended until the expiration of one year from the passage of this Act, without the payment of extension fees or other penalty in favor of the citizens or subjects of countries which have extended, now extend, or shall extend during a period of one year from the passage of this Act substantially reciprocal privileges to citizens of the United States, provided that no extension herein shall confer such privileges on the citizens or subjects of a foreign country for a longer term than the term during which such privileges are conferred by such foreign country on the citizens of the United States, but nothing in this Act shall give any right to reopen interference proceedings where final hearing before the examiner of interferences has taken place. (March 3, 1921, c. 126, § 2, 41 Stat. 1314.)

See note to § 9431a, ante.

§ 9431c. Certain manufacturing, etc., rights not abridged—No patent granted or validated by reason of the extensions provided for in sections 1 and 2 of this Act shall abridge or otherwise affect the right of any citizen of the United States, or his agent or agents, or his successor in business, to continue any manufacture, use, or sale commenced before the passage of this Act by such citizen, nor shall the continued manufacture, use, or sale by such citizen, or the use or sale of the devices resulting from such manufacture or use constitute an infringement. (March 3, 1921, c 126, § 3, 41 Stat 1314)

See note to § 9431a, ante.

§ 9431d. Applications executed by agents—All applications for patent filed since August 1, 1914, and prior to June 15, 1920, which were executed by an agent of the applicant and in which a petition, specification, and oath, signed by the inventor, or his executor or administrator, had been filed or shall have been filed within a period of one year from the passage of this Act, and the patents granted on such applications, shall have the same force and effect as if the papers signed by the inventor, or his executor or administrator, had been filed on the date on which the papers signed by the agent were filed. (March 3, 1921, c 126, § 4, 41 Stat. 1314)

See note to § 9431a, ante.

§ 9431e. Applications subscribed before consular officers, etc.—All applications for patent filed since August 1, 1914, in which the oath was executed before or authenticated by a consular officer, or other representative qualified to administer oaths, of a Government acting in the interest of the Government of the United States, shall have the same force and effect as if said oath had been executed by the applicant before a consular officer of the United States. (March 3, 1921, c. 126, § 5, 41 Stat. 1314.)

See note to § 9431a, ante.

§ 9431f. Rights as to inventions made while serving abroad with United States forces—Where an invention was made by a person while serving abroad, during the war, with the forces of the United States, civil or military, the inventor thereof shall be entitled, in interference and other proceedings arising in connection with such invention, to the same rights of priority with respect of such invention as if the same had been made in the United States, and where an application became abandoned or forfeited, during the time the applicant was serving with the forces of the United States, by reason of his failure to take action or pay a fee within the time now required by law, such action may be taken, or the fee paid, within six months from the passage of this Act. (March 3, 1921, c. 126, § 6, 41 Stat. 1314.)

See note to § 9431a, ante.

§ 9431g. Claims under patent rights owned by alien enemies—No claim shall be made or action brought in respect of the use since August 1, 1914, up to the passage of this Act, by the Government of the United States, or by any persons acting on behalf of, or under contract with, or with the assent of the Government of the United States or of Governments or their representatives associated with the United States, under any patent rights owned in whole or in part since August 1, 1914, by an alien enemy, nor in respect of the use of any process during such period, or the sale, offering for sale, or use, at any time, of any products, articles, or apparatus whatsoever manufactured during such period to which such patent rights applied. (March 3, 1921, c. 126, § 7, 41 Stat. 1314.)

See note to § 9431a, ante.

§ 9431h. Special war measures not affected—Nothing in this Act shall affect any Act done by virtue of the special measures taken during the war under legislative, executive, or administrative authority

of the United States in regard to the rights of an enemy, or ally of an enemy, as defined by the Trading with the Enemy Act of October 6, 1917, in patents for inventions and designs. (March 3, 1921, c. 126, § 8, 41 Stat. 1315.)

See note to § 9431a, ante

§ 9444. Assignments of patents—Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States An assignment grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage

If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any District or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance (R. S. § 4898, amended, March 3, 1897, c. 391, § 5, 29 Stat. 692, and Feb. 18, 1922, c. 58, § 6, 42 Stat. 391.)

For this section prior to its amendment by Act Feb. 18, 1922, c. 58, § 6, see U. S Comp. St. 1918, § 9444.

§ 9451. Subpœnas to witnesses—The clerk of any court of the United States, for any District or Territory wherein testimony is to be taken for use in any contested case pending in the Patent Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such District or Territory, commanding him to appear and testify before any officer in such District or Territory authorized to take depositions and affidavits at any time and place in the subpœna stated But no witness shall be required to attend at any place more than forty miles from the place where the subpœna is served upon him; and the provisions of section 869 of the Revised Statutes relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office. (R. S. § 4906, amended, Act Feb. 18, 1922, c. 58, § 7, 42 Stat. 391.)

For this section prior to its amendment by Act Feb. 18, 1922, c. 58, § 7, see U. S Comp St. 1918, § 9451

§ 9465. Suits for compensation for use of invention by United States; patents or inventions by employés of Government—Whenever an invention described in and covered by a patent of the United States shall hereafter be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture: Provided, however, That said Court of Claims shall not entertain a suit or award compensation under the provisions of this Act where the claim for compensation is based on the use or manufacture by or for the United States of any article heretofore owned, leased, used by, or in the possession of the United States: Provided further, That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in Title Sixty of the Revised Statutes, or otherwise: And provided further, That the benefits of this Act shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such patentee: nor shall this Act apply to any device discovered or invented by such employee during the time of his employment or service (June 25, 1910, c. 423, 36 Stat 851, amended, July 1, 1918, c 114, 40 Stat 705)

This section was amended by Act July 1, 1918, c. 114, cited above to read as set forth above For section as originally enacted, see U. S. Comp St 1918, § 9465

§ 9467. Power of courts to grant injunctions and estimate damages; assessment of damages and profits; increase of damages; limitation on recovery of damages or profits; notice to Commissioner of suits filed and decrees rendered—The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby, and the court shall assess the same or cause the same to be assessed under its direction. If on the proofs it shall appear that the complainant has suffered damage from the infringement or that the defendant has realized profits therefrom to which the complainant is justly entitled, but that such damages or profits are not susceptible of calculation and determination with reasonable certainty, the court may, on evidence tending to establish the same, in its discretion, receive opinion or expert testimony, which is hereby declared to be competent and admissible, subject to the general rules of evidence applicable to this character of testimony; and upon such evidence and all other evidence in the record the court may adjudge and decree the payment by the defendant to the complainant of a reasonable sum as profits or general damages for the infringement: Provided, That this provision shall not affect pending litigation. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a decree issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper; and for each notice re-

quired to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit. (R S § 4921, amended, March 3, 1897, c. 391, § 6, 29 Stat 694, and Feb 18, 1922, c. 58, § 8, 42 Stat 392)

For this section prior to its amendment by Act Feb 18, 1922, c 58, § 8, see U S Comp St 1918, § 9467

§ 9482. Fees—The following shall be the rates for patent fees:

On filing each original application for a patent, except in design cases, $20

On issuing each original patent, except in design cases, $20.

In design cases: For three years and six months, $10, for seven years, $15, for fourteen years, $30

On every application for the reissue of a patent, $30.

On filing each disclaimer, $10

On an appeal for the first time from the primary examiners to the examiners in chief, $10.

On every appeal from the examiners in chief to the commissioner, $20

For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: Provided, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for $50 per annum: Provided further, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries

For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words

For each certificate, 25 cents

For recording every assignment, agreement, power of attorney, or other paper of three hundred words or under, $1; of over three hundred and under one thousand words, $2; and for each additional thousand words or fraction thereof, $1, for each additional patent or application included or involved in one writing, where more than one is so included or involved, 25 cents additional.

For copies of drawings, the reasonable cost of making them. (R. S. § 4934, amended, May 27, 1908, c. 200, § 1, 35 Stat 343, June 25, 1910, c. 414, § 2, 36 Stat. 843, and Feb. 18, 1922, c. 58, § 9, 42 Stat 393)

For this section prior to its amendment by Act Feb 18, 1922, c 58, § 9, see U. S. Comp St. 1918, § 9482

Section 10 of said Act Feb. 18, 1922, c 58, provides that this section, as amended shall take effect sixty days after the approval of the act

§ 9483a. Same; disposition of; return of excess fees—Hereafter all patent fees shall be paid to the Commissioner of Patents, who shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury shall direct, and said commissioner is authorized to pay back any sum or sums of money paid to him by any person by mistake or in excess of the fee required by law. (March 6, 1920, c. 94, § 1, 41 Stat. 512.)

This section is a provision of the deficiency appropriation act for the year 1920, and prior years, cited above. It supersedes in part R. S. § 4935 (U. S. Comp. St. 1918, § 9483).

Chapter Two—Trade-Marks

§ 9490. Trade-marks registered—No mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark—

(a) Consists of or comprises immoral or scandalous matter.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States or any simulation thereof, or of any State or municipality or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem, or of any name, distinguishing mark, character, emblem, colors, flag, or banner adopted by any institution, organization, club, or society which was incorporated in any State in the United States prior to the date of the adoption and use by the applicant: Provided, That said name, distinguishing mark, character, emblem, colors, flag, or banner was adopted and publicly used by said institution, organization, club, or society prior to the date of adoption and use by the applicant Provided, That trade-marks which are identical with a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers shall not be registered: Provided, That no mark which consists merely in the name of an individual, firm, corporation, or association not written, printed, impressed, or woven in some particular or distinctive manner, or in association with a portrait of the individual, or merely in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: Provided further, That no portrait of a living individual may be registered as a trade-mark except by the consent of such individual, evidenced by an instrument in writing, nor may the portrait of any deceased President of the United States be registered during the life of his widow, if any, except by the consent of the widow evidenced in such manner: And provided further, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States or with Indian tribes which was in actual and exclusive use as a trade-mark of the applicant, or his predecessors from whom he derived title, for ten years next preceding February twentieth, nineteen hundred and five: Provided further, That nothing herein shall prevent the registration of a trade-mark otherwise registrable because of its being the name of the applicant or a portion thereof. And if any person or corporation shall have so registered a mark upon the ground of said use for ten years preceding February 20, 1905, as to certain articles or classes of articles to which said mark shall have been applied for said period, and shall have thereafter and subsequently extended his business so as to include other articles not manufactured by said applicant for ten years next preceding February 20, 1905, nothing herein shall prevent the registration of said trade-mark in the additional classes to which said new additional articles manufactured by said person or corporation shall apply, after said trade-mark has been used on said article in interstate or foreign commerce or with the Indian tribes for at least one year provided another person or corporation has not adopted and used previously to its adoption and use by the proposed registrant, and for more than one year such trade-mark or one so similar as to be likely to deceive in such additional class or classes. (Feb 20, 1905, c. 592, § 5, 33 Stat. 725, amended, March 2, 1907, c. 2573, § 1, 34 Stat. 1251, Feb. 18, 1911, c. 113, 36 Stat. 918, Jan. 8, 1913, c. 7, 37 Stat. 649, March 19, 1920, c. 104, § 9, 41 Stat. 535, and June 7, 1924, c. 341, 43 Stat. 647.)

This section was again amended by Act March 19, 1920, c. 104, § 9, 41 Stat. 535, cited above, by adding thereto the last part of the section as set forth above, beginning with the words "And if any person or corporation shall have so registered." It was again amended by Act June 7, 1924, c. 341, cited above, by adding to the fourth proviso the following "nor may the portrait of any deceased President of the United States be registered during the

life of his widow, if any, except by the consent of the widow evidenced in such manner"

§ 9496. Certificates of registration and record thereof; copies as evidence—That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose The certificate shall state the date on which the application for registration was received in the Patent Office Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office. (Feb. 20, 1905, c 592, § 11, 33 Stat. 727, amended, March 4, 1925, c. 535, § 3, 43 Stat. 1269.)

This section was amended by Act March 4, 1925, c. 535, § 3, cited above, to read as set forth above For this section prior to this amendment see U S. Comp St. 1918, § 9496

§ 9496a. Mistake in registration of patent or trade-mark; certificate thereof issued by Patent Office; effect—Whenever a mistake in a patent or trade-mark registration, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of patents or trade-marks, and a printed copy thereof attached to each printed copy of the patent or trade-mark registration, and such certificate shall thereafter be considered as part of the original, and every patent or trade-mark registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates heretofore issued in accordance with the rules of the Patent Office and the patents or trade-mark registrations to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute (March 4, 1925, c. 535, § 1, 43 Stat. 1268)

This section is section one of an act entitled "An act to amend the patent and trade-mark laws, and for other purposes," cited above

§ 9516a. Registration of trade-marks used in interstate or foreign commerce; register to be kept by Commissioner of Patents; marks eligible for entry upon; fees for entry of marks—The Commissioner of Patents shall keep a register of (a) all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, in connection with which the fee of $50 gold for the international registration established by article 2 of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark.

(b) All other marks not registerable under the Act of February 20, 1905, as amended, except those specified in paragraphs (a) and (b) of section 5 of that Act, but which have been in bona fide use for not less than one year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $10 has been paid to the Commissioner of Patents and such formalities as required by the said commissioner have been complied with Provided, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register. (March 19, 1920, c 104, § 1, 41 Stat. 533.)

This section, and the 7 sections next following, are §§ 1-8 of an act entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, Aug 20, 1910, and for other purposes," cited above

§ 9516b. Same; cancellation of entries on register; application for; notice; hearing; appeal—Whenever any person shall deem himself injured by the inclusion of a trade-mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant If it appear after a hearing before the examiner that the registrant was not entitled to the exclusive use of the mark at or since the date of his application for registration thereof, or that the mark is not used by the registrants or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of the examiner in charge of interferences. (March 19, 1920, c. 104, § 2, 41 Stat. 534)

See note to § 9516a, ante.

§ 9516c. Same; illegal use of trade marks on articles in interstate or foreign commerce; damages; action; injunction—Any person who shall willfully and with intent to deceive, affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations. (March 19, 1920, c. 104, § 3, 41 Stat. 534.)

See note to § 9516a, ante.

§ 9516d. Same; reproduction, counterfeiting, copying or imitating registered marks; damages; action—Any person who shall without the consent of the owner thereof reproduce, counterfeit, copy, or colorably imitate any trade-mark on the register provided by this Act, and shall affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with

the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff the court may enter judgment therein for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs (March 19, 1920, c. 104, § 4, 41 Stat 534.)

See note to § 9516a, ante.

§ 9516e. Same; notice of registration of marks; notice of infringement thereof—It shall be the duty of a registrant under this Act of a mark falling within class (a) of section 1, to comply with the law of the country in which his original registration took place, in respect to giving notice to the public that the trade-mark is registered, in connection with the use of such trade-mark in the United States of America, and in any suit for infringement by a party failing to do this, no damages shall be recovered except on proof that the defendant was duly notified of the infringement and continued the same after such notice. (March 19, 1920, c. 104, § 5, 41 Stat. 534.)

See note to § 9516a, ante

§ 9516f. Same; existing laws applicable—The provisions of sections 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 28 (as to class [b] marks only) of the Act approved February 20, 1905, entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States, or with Indian tribes, and to protect the same," as amended to date, and the provisions of section 2 of the Act entitled "An Act to amend the laws of the United States relating to the registration of trade-marks," approved May 4, 1906, are hereby made applicable to marks placed on the register provided for by section 1 of this Act. (March 19, 1920, c. 104, § 6, 41 Stat. 535.)

See note to § 9516a, ante

§ 9516g. Same; evidence relating to such marks—Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this Act, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor and paying the fee required by law shall have certified copies thereof. (March 19, 1920, c. 104, § 7, 41 Stat. 535)

See note to § 9516a, ante.

§ 9516h. Same; fees—The same fees shall be required for certified and uncertified copies of papers and for records, transfers, and other papers, under this Act, as are required by law for such copies of patents and for recording assignments and other papers relating to patents.

On filing an appeal under this Act to the Commissioner of Patents from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark, canceling or refusing to cancel the registration of a trade-mark, a fee of $15 shall be payable. (March 19, 1920, c. 104, § 8, 41 Stat. 535.)

See note to § 9516a, ante.

Chapter Three—Copyrights

§ 9517a.

This section (Act June 18, 1874, c 301, § 3 18 Stat. 79) was not repealed by the Copyright Act of 1909 Jeweler's Circular Pub Co v Keystone Pub Co (C. C A. N Y 1922) 281 Fed 83

§ 9524. Authors or proprietors, entitled; aliens—The author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: Provided, however, That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign State or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work, or

(b) When the foreign State or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign State or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require: Provided, however, That all works made the subject of copyright by the laws of the United States first produced or published abroad after August 1, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States, the existence of which shall be determined by a copyright proclamation issued by the President of the United States, shall be entitled to the protection conferred by the copyright laws of the United States from and after the accomplishment, before the expiration of fifteen months after the date of the President's proclamation of peace, of the conditions and formalities prescribed with respect to such works by the copyright laws of the United States: Provided further, That nothing herein contained shall be construed to deprive any person of any right which he may have acquired by the republication of such foreign work in the United States prior to the approval of this Act. (March 4, 1909, c. 320, § 8, 35 Stat. 1077, amended, Dec. 18, 1919, c. 11, 41 Stat 368.)

For this section prior to the amendment by Act, Dec 18, 1919, c 11, see U. S. Comp St 1918, § 9524

§ 9542. Ad interim protection of book published abroad—In the case of a book first published abroad in the English language on or after the date of the President's proclamation of peace, the deposit in the copyright office, not later than sixty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of four months after such deposit in

the copyright office (March 4, 1909, c. 320, § 21 35 Stat 1080, amended, Dec. 18, 1919, c 11, 41 Stat. 369)

For this section prior to the amendment by Act Dec. 18, 1919, c 11, see U S Comp St 1918, § 9542

§ 9569.

For current appropriation for the Copyright Office—for the Register of Copyrights, assistant register, and other personal services in accordance with the Classification Act of 1923, see Act March 4, 1925, c 549, § 1, 43 Stat 1297

TITLE LXI—BANKRUPTCY

Chapter Three—Bankrupt

§ 9601. Debts not affected by a discharge—A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (first) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (second) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for breach of promise of marriage accompanied by seduction, or for criminal conversation; (third) have not been duly scheduled in time for proof and allowance, with the name of the creditor, if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (fourth) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity; or (fifth) are for wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of commencement of the proceedings in bankruptcy; or (sixth) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment (July 1, 1898, c 541, § 17, 30 Stat. 550, amended, Feb 5, 1903 c 487, § 5, 32 Stat 798, March 2, 1917, c. 153, 39 Stat. 999, and Jan. 7, 1922, c. 22, 42 Stat 354.)

This section was again amended by Act Jan. 7, 1922, c. 22, 42 Stat. 354, cited above, by adding the fifth and sixth clauses

Chapter Four—Courts and Procedure Therein

§ 9608. [Repealed in part.]

So much of this section (July 1, 1898, c. 541, § 24, 30 Stat 553) as regulates the mode of review by the Supreme Court in the proceedings, controversies, and cases therein named, is repealed by Act Feb. 13, 1925, c. 229, § 13, 43 Stat. 941 This section reads as follows

"Jurisdiction of Appellate Courts.—a The Supreme Court of the United States, the circuit courts of appeals of the United States, and the supreme courts of the Territories, in vacation in chambers and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases. The Supreme Court of the United States shall exercise a like jurisdiction from courts of bankruptcy not within any organized circuit of the United States and from the supreme court of the District of Columbia.

"b The several circuit courts of appeal shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved"

Section 14 of said Act Feb. 13, 1925, c. 229 provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect

See, also, note at the beginning of title XII C.

§ 9609. [Repealed in part.]

So much of this section (July 1, 1898, c. 541, § 25, 30 Stat 553) as regulates the mode of review by the Supreme Court in the proceedings, controversies, and cases named therein, is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941 This section reads as follows

"Appeals and Writs of Error.—a That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit court of appeals of the United States, and to the supreme court of the Territories, in the following cases, to wit, (1) from a judgment adjudging or refusing to adjudge the defendant a bankrupt, (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of five hundred dollars or over Such appeal shall be taken within ten days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be

"b From any final decision of a court of appeals, allowing or rejecting a claim under this Act, an appeal may be had under such rules and within such time as may be prescribed by the Supreme Court of the United States, in the following cases and no other

"1. Where the amount in controversy exceeds the sum of two thousand dollars, and the question involved is one which might have been taken on appeal or writ of error from the highest court of a State to the Supreme Court of the United States, or

"2 Where some Justice of the Supreme Court of the United States shall certify that in his opinion the determination of the question or questions involved in the allowance or rejection of such claim is essential to a uniform construction of this Act throughout the United States

"c Trustees shall not be required to give bond when they take appeals or sue out writs of error.

"d Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof and issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted"

Section 14 of said Act Feb 13, 1925, c 229 provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C.

§ 9609a. Appellate and advisory jurisdiction of Court of Appeals of District of Columbia—The Court of Appeals of the District of Columbia shall have the same appellate and supervisory jurisdiction over proceedings, controversies, and cases in bankruptcy in the District of Columbia that a circuit court of appeals has over such proceedings, controversies, and cases within its circuit, and shall exercise that jurisdiction in the same manner as a circuit court of appeals is required to exercise it. (Feb. 13, 1925, c. 229, § 5, 43 Stat. 939.)

This section is § 5 of Act Feb. 13, 1925, c. 229, cited above.

Section 14 of said Act Feb. 13, 1925, c. 229 provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C.

TITLE LXII—NATIONAL BANKS

Chapter One—Organization and Powers

§ 9661. Corporate powers of associations—Upon duly making and filing articles of association and an organization certificate the association shall be-

come, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal

Second To have succession until ninety-nine years from July 1, 1922, or from the date of its organization if organized after July 1, 1922, unless it shall be sooner dissolved by the act of its shareholders owning two-thirds of its stock, or unless its franchise shall become forfeited by reason of violation of law, or unless it shall be terminated by Act of Congress hereafter enacted.

Third. To make contracts

Fourth To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places

Sixth To prescribe, by its board of directors, bylaws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed

Seventh To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this Title.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking. (R. S. § 5136, amended, July 1, 1922, c. 257, § 1, 42 Stat. 767.)

This section was amended by Act July 1, 1922, c 257, § 1, 42 Stat. 767, cited above, by changing the second paragraph thereof to read as set forth above Prior to this amendment said paragraph read as follows: "Second, To have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law"

§ 9661(1). Acts relating to extension of period of corporate succession repealed; operation of paragraph 2 of preceding section—All Acts or parts of Acts providing for the extension of the period of succession of national banking associations for twenty years are hereby repealed, and the provisions of paragraph second of section 5136, Revised Statutes, as herein amended shall apply to all national banking associations now organized and operating under any law of the United States (July 1, 1922, c 257, § 2, 42 Stat. 767.)

This section is § 2 of an act entitled "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of ninety-nine years or until dissolved, and to apply said section as so amended to all national banking associations," cited above. Section 1 of said act amends § 9661, ante.

§ 9684. Directors; qualifications—Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, or within fifty miles of the location of the office of the association, for at least one year immediately preceding their election, and must be residents of such State or within a fifty-mile territory of the location of the association during their continuance in office Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place (R. S. § 5146, amended, Feb 28, 1905, c. 1163, 33 Stat 818, and March 1, 1921, c. 100, 41 Stat. 1199)

For this section, prior to the amendment by Act March 1, 1921, c. 100, see U. S Comp St 1918, § 9681

§ 9685. Directors; oath—Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate or willingly permit to be violated, any of the provisions of this title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. The oath shall be taken before a notary public, properly authorized and commissioned by the State in which he resides, or before any other officer having an official seal and authorized by the State to administer oaths, except that the oath shall not be taken before any such notary public or other officer who is an officer of the director's bank. The oath, subscribed by the director making it, and certified by the notary public or other officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency and shall be filed and preserved in his office for a period of ten years. (R. S. § 5147, amended, Feb. 20, 1925, c. 274, 43 Stat. 955.)

This section was amended by Act Feb 20, 1925, c. 274, 43 Stat. 955, cited above, to read as set forth above, by adding thereto the second sentence as set forth above

§ 9696a. Consolidation; capital stock; dissenting shareholders—Any two or more national banking associations located within the same county, city, town, or village may, with the approval of the Comptroller of the Currency, consolidate into one association under the charter of either existing banks, on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each association proposing to consolidate, and be ratified and confirmed by the affirmative vote of the shareholders of each such association owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said association is located, and if no newspaper is published in the place, then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least ten days prior to said meeting: Provided, That the capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national bank in the place in which it is located: And provided further, That when such consolidation shall have been effected and approved by the comptroller any shareholder of either of the associations so consolidated who has not voted for such consolidation may give notice to the directors of the association in which he is interested within twenty days from the date of the certificate of approval of the comptroller that he dissents from the plan of con-

solidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held, by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors, and the third by the two so chosen; and in case the value so fixed shall not be satisfactory to the shareholder he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value fixed by said committee, the bank shall pay the expenses of the reappraisal; otherwise the appellant shall pay said expenses, and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said shareholder from said bank, and the share so paid shall be surrendered and after due notice sold at public auction within thirty days after the final appraisement provided for in this Act. (Nov. 7, 1918, c. 209, § 1, 40 Stat. 1043)

This section, and the section next following, are an act entitled "An act to provide for the consolidation of national banking associations," cited above.

§ 9696b. Same; effect on rights and liabilities—Associations consolidating with another association under the provisions of this Act shall not be required to deposit lawful money for their outstanding circulation, but their assets and liabilities shall be reported by the association with which they have consolidated. And all the rights, franchises, and interests of the said national bank so consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such national bank into which it is consolidated without any deed or other transfer, and the said consolidated national bank shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by the national bank so consolidated therewith. (Nov. 7, 1918, c. 209, § 2, 40 Stat. 1044.)

See note to § 9696a, ante.

Chapter Two—Obtaining and Issuing Circulating Notes

§ 9714. Circulating notes; printing; denominations, and form—In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom and numbered such quantity of circulating notes in blank, or bearing engraved signatures of officers as herein provided, of the denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the written or engraved signatures of the president or vice president and cashier; and shall bear such devices and such other statements and shall be in such form as the Secretary of the Treasury shall, by regulation, direct. (R. S. § 5172, amended, May 30, 1908, c. 229, § 11, 35 Stat. 551, Dec. 23, 1913, c. 6, § 27, 38 Stat. 274, Aug. 4, 1914, c. 225, 38 Stat. 682, and March 3, 1919, c. 101, § 4, 40 Stat. 1315.)

This section was again amended by Act March 3, 1919, c 101, § 4, cited above, to read as set forth above. Prior to this amendment this section read as follows "In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply the associations entitled to receive the same Such notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury, and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier, and shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct"

§ 9721. For what demands national bank notes may be received—Any association receiving circulating notes under this title may, if its promise to pay such notes on demand is expressed thereon attested by the written or engraved signatures of the president or vice president and the cashier thereof in such manner as to make them obligatory promissory notes payable on demand at its place of business, issue, and circulate the same as money. Such written or engraved signatures of the president or vice president and the cashier of such association may be attached to such notes either before or after the receipt of such notes by such association And such notes shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. (R. S. § 5182, amended, Jan. 13, 1920, c. 38, 41 Stat. 387.)

This section was amended by Act Jan 13, 1920, cited above, to read as set forth above. For this section prior to this amendment see U. S. Comp. St. 1918, § 9721.

Chapter Three—Regulation of the Banking Business

§ 9745. Foreign branches—Any national banking association possessing a capital and surplus of $1,000,000 or more may file application with the Federal Reserve Board for permission to exercise, upon such conditions and under such regulations as may be prescribed by the said board, either or both of the following powers:

First. To establish branches in foreign countries or dependencies or insular possessions of the United States for the furtherance of the foreign commerce of the United States, and to act if required to do so as fiscal agents of the United States.

Second. To invest an amount not exceeding in the aggregate ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered or incorporated under the laws of the United States or of any State thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions.

Until January 1, 1921, any national banking association, without regard to the amount of its capital

and surplus, may file application with the Federal Reserve Board for permission, upon such conditions and under such regulations as may be prescribed by said board, to invest an amount not exceeding in the aggregate 5 per centum of its paid-in capital and surplus in the stock of one or more corporations chartered or incorporated under the laws of the United States or of any State thereof and, regardless of its location, principally engaged in such phases of international or foreign financial operations as may be necessary to facilitate the export of goods, wares, or merchandise from the United States or any of its dependencies or insular possessions to any foreign country Provided, however, That in no event shall the total investments authorized by this section by any one national bank exceed 10 per centum of its capital and surplus

Such application shall specify the name and capital of the banking association filing it, the powers applied for, and the place or places where the banking or financial operations proposed are to be carried on. The Federal Reserve Board shall have power to approve or to reject such application in whole or in part if for any reason the granting of such application is deemed inexpedient, and shall also have power from time to time to increase or decrease the number of places where such banking operations may be carried on.

Every national banking association operating foreign branches shall be required to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and every member bank investing in the capital stock of banks or corporations described above shall be required to furnish information concerning the condition of such banks or corporations to the Federal Reserve Board upon demand, and the Federal Reserve Board may order special examinations of the said branches, banks, or corporations at such time or times as it may deem best.

Before any national bank shall be permitted to purchase stock in any such corporation the said corporation shall enter into an agreement or undertaking with the Federal Reserve Board to restrict its operations or conduct its business in such manner or under such limitations and restrictions as the said board may prescribe for the place or places wherein such business is to be conducted. If at any time the Federal Reserve Board shall ascertain that the regulations prescribed by it are not being complied with, said board is hereby authorized and empowered to institute an investigation of the matter and to send for persons and papers, subpœna witnesses, and administer oaths in order to satisfy itself as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the national bank or banks which may be stockholders therein, to comply with the regulations laid down by the said Federal Reserve Board, such national banks may be required to dispose of stock holdings in the said corporation upon reasonable notice.

Every such national banking association shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accrued at each branch as a separate item.

Any director or other officer, agent, or employee of any member bank may, with the approval of the Federal Reserve Board, be a director or other officer, agent, or employee of any such bank or corporation above mentioned in the capital stock of which such member bank shall have invested as hereinbefore provided, without being subject to the provisions of section eight of the Act approved October fifteenth, nineteen hundred and fourteen, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (Dec. 23, 1913, c. 6, § 25, 38 Stat. 273, amended, Sept 7, 1916, c 461, 39 Stat 755, and Sept 17, 1919, c 60, §§ 1–3, 41 Stat 285, 286)

This section was amended by Act Sept. 17, 1919, c 60, §§ 1-3, cited above, to read as set forth above For this section prior to this amendment see U S Comp St 1918, § 9745

§ 9745a. (1) Banking corporations authorized to do foreign banking business; formation—Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five: Provided, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use any corporation organized under this section as depositaries in Panama and the Panama Canal Zone or in the Philippine Islands and other insular possessions and dependencies of the United States

This section, consisting of 21 paragraphs, was added to Act Dec. 23, 1913, c 6, as section 25(a), by Act Dec. 24, 1919, c 18.

This paragraph (1), as originally enacted, read as follows

"Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five"

It was amended by Act Feb. 27, 1921, c 73, to read as set forth above

(2) Articles of association; contents—Such persons shall enter into articles of association which shall specify in general terms the objects for which the association is formed and may contain any other provisions not inconsistent with law which the association may see fit to adopt for the regulation of its business and the conduct of its affairs.

(3) Same; signing; forwarding to and filing by Federal Reserve Board; organization certificate; contents—Such articles of association shall be signed by all of the persons intending to participate in the organization of the corporation and, thereafter, shall be forwarded to the Federal Reserve Board and shall be filed and preserved in its office. The persons signing the said articles of association shall, under their hands, make an organization certificate which shall specifically state:

First. The name assumed by such corporation, which shall be subject to the approval of the Federal Reserve Board.

Second. The place or places where its operations are to be carried on.

Third. The place in the United States where its home office is to be located

Fourth. The amount of its capital stock and the number of shares into which the same shall be divided.

Fifth. The names and places of business or residence of the persons executing the certificate and the number of shares to which each has subscribed.

Sixth. The fact that the certificate is made to enable the persons subscribing the same and all other persons, firms, companies and corporations, who or which may thereafter subscribe to or purchase shares of the capital stock of such corporation, to avail themselves of the advantages of this section.

(4) Organization certificate; acknowledgment; forwarding to, filing and approval by Federal Reserve Board; permit to do business; body corporate; name; seal; corporate succession; contracts; suits directors, officers, and employees; by-laws—The person signing the organization certificate shall duly acknowledge the execution thereof before a judge of some court of record or notary public, who shall certify thereto under the seal of such court or notary, and thereafter the certificate shall be forwarded to the Federal Reserve Board to be filed and preserved in its office Upon duly making and filing articles of association and an organization certificate, and after the Federal Reserve Board has approved the same and issued a permit to begin business, the association shall become and be a body corporate, and as such and in the name designated therein shall have power to adopt and use a corporate seal, which may be changed at the pleasure of its board of directors, to have succession for a period of twenty years unless sooner dissolved by the act of the shareholders owning two-thirds of the stock or by an Act of Congress or unless its franchises become forfeited by some violation of law; to make contracts; to sue and be sued, complain, and defend in any court of law or equity; to elect or appoint directors, all of whom shall be citizens of the United States; and, by its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, require bonds of them, and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure and appoint others to fill their places, to prescribe, by its board of directors, by-laws not inconsistent with law or with the regulations of the Federal Reserve Board regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed.

(5) Powers of corporation—Each corporation so organized shall have power, under such rules and regulations as the Federal Reserve Board may prescribe:

(a) Dealings in drafts, checks, bills of exchange, acceptances, and other evidences of indebtedness; purchase and sale of securities; letters of credit; purchase and sale of coin, bullion, and exchange; borrowing and loaning money; issue of debentures, bonds, and notes; deposits; limitation of liabilities; reserves—To purchase, sell, discount, and negotiate, with or without its indorsement or guaranty, notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase and sell, with or without its indorsement or guaranty, securities, including the obligations of the United States or of any State thereof but not including shares of stock in any corporation except as herein provided; to accept bills or drafts drawn upon it subject to such limitations and restrictions as the Federal Reserve Board may impose; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to issue debentures, bonds, and promissory notes under such general conditions as to security and such limitations as the Federal Reserve Board may prescribe, but in no event having liabilities outstanding thereon at any one time exceeding ten times its capital stock and surplus, to receive deposits outside of the United States and to receive only such deposits within the United States as may be incidental to or for the purpose of carrying out transactions in foreign countries or dependencies or insular possessions of the United States; and generally to exercise such powers as are incidental to the powers conferred by this Act or as may be usual, in the determination of the Federal Reserve Board, in connection with the transaction of the business of banking or other financial operations in the countries, colonies, dependencies, or possessions in which it shall transact business and not inconsistent with the powers specifically granted herein Nothing contained in this section shall be construed to prohibit the Federal Reserve Board, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time Whenever a corporation organized under this section receives deposits in the United States authorized by this section it shall carry reserves in such amounts as the Federal Reserve Board may prescribe, but in no event less than 10 per centum of its deposits.

(b) Branches or agencies—To establish and maintain for the transaction of its business branches or agencies in foreign countries, their dependencies or colonies, and in the dependencies or insular possessions of the United States, at such places as may be approved by the Federal Reserve Board and under such rules and regulations as it may prescribe, including countries or dependencies not specified in the original organization certificate

(c) Purchase of stock in other corporations—(c) With the consent of the Federal Reserve Board to purchase and hold stock or other certificates of ownership in any other corporation organized under the provisions of this section, or under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Federal Reserve Board may be incidental to its international or foreign business: Provided, however, That, except with the approval of the Federal Reserve Board, no corporation organized hereunder shall invest in any one corporation an amount in excess of 10 per centum of its own capital and surplus, except in a corporation engaged in the business of banking, when 15 per centum of its capital and surplus may be so invested: Provided further, That no corporation organized hereunder shall purchase, own, or hold stock or certificates of ownership in any other corporation organized hereunder or under the laws of any State which is in substantial competition therewith, or which holds stock or certificates of ownership in corporations which are in substantial competition with the purchasing corporation

Nothing contained herein shall prevent corporations organized hereunder from purchasing and holding stock in any corporation where such purchase shall be necessary to prevent a loss upon a debt previously contracted in good faith; and stock so purchased or acquired in corporations organized under this section shall within six months from such purchase be sold or disposed of at public or private sale unless the time to so dispose of same is extended by the Federal Reserve Board.

(6) Place of carrying on business; when business may be begun—No corporation organized under this section shall carry on any part of its business in the United States except such as, in the judgment of the Federal Reserve Board, shall be incidental to its international or foreign business. And provided further, That except such as is incidental and preliminary to its organization no such corporation shall exercise any of the powers conferred by this section until it has been duly authorized by the Federal Reserve Board to commence business as a corporation organized under the provisions of this section.

(7) Engaging in commerce or trade in commodities; price fixing; forfeiture of charter; acts forbidden to directors, officers, agents, or employees—No corporation organized under this section shall engage in commerce or trade in commodities except as specifically provided in this section, nor shall it either directly or indirectly control or fix or attempt to control or fix the price of any such commodities. The charter of any corporation violating this provision shall be subject to forfeiture in the manner hereinafter provided in this section. It shall be unlawful for any director, officer, agent, or employee of any such corporation to use or to conspire to use the credit, the funds, or the power of the corporation to fix or control the price of any such commodities, and any such person violating this provision shall be liable to a fine of not less than $1,000 and not exceeding $5,000 or imprisonment not less than one year and not exceeding five years, or both, in the discretion of the court.

(8) Capital stock; amount; when paid in; outstanding liabilities—No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in: Provided, however, That whenever $2,000,000 of the capital stock of any corporation is paid in the remainder of the corporation's capital stock or any unpaid part of such remainder may, with the consent of the Federal Reserve Board and subject to such regulations and conditions as it may prescribe, be paid in upon call from the board of directors; such unpaid subscriptions, however, to be included in the maximum of 10 per centum of the national bank's capital and surplus which a national bank is permitted under the provisions of this Act to hold in stock of corporations engaged in business of the kind described in this section and in section 25 of the Federal Reserve Act as amended: Provided further, That no such corporation shall have liabilities outstanding at any one time upon its debentures, bonds, and promissory notes in excess of ten times its paid-in capital and surplus.

This paragraph was again amended by Act June 14, 1921, c. 22, entitled "An act to amend the act approved December 23, 1913, known as the Federal Reserve Act," cited above, to read as set forth above. As originally enacted this paragraph read as follows:

"No corporation shall be organized under the provisions of this section with a capital stock of less than $2,000,000, one-quarter of which must be paid in before the corporation may be authorized to begin business, and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum on the whole amount to which the corporation shall be limited as frequently as one installment at the end of each succeeding two months from the time of the commencement of its business operations until the whole of the capital stock shall be paid in. The capital stock of any such corporation may be increased at any time, with the approval of the Federal Reserve Board, by a vote of two-thirds of its shareholders or by unanimous consent in writing of the shareholders without a meeting and without a formal vote, but any such increase of capital shall be fully paid in within ninety days after such approval, and may be reduced in like manner, provided that in no event shall it be less than $2,000,000. No corporation, except as herein provided, shall during the time it shall continue its operations withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. Any national banking association may invest in the stock of any corporation organized under the provisions of this section, but the aggregate amount of stock held in all corporations engaged in business of the kind described in this section and in section 25 of the Federal Reserve Act as amended shall not exceed 10 per centum of the subscribing bank's capital and surplus."

(9) Same; by whom held; holding office in or being employed by other corporation—A majority of the shares of the capital stock of any such corporation shall at all times be held and owned by citizens of the United States, by corporations the controlling interest in which is owned by citizens of the United States, chartered under the laws of the United States or of a State of the United States, or by firms or companies, the controlling interest in which is owned by citizens of the United States. The provisions of section 8 of the act approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," as amended by the acts of May 15, 1916, and September 7, 1916, shall be construed to apply to the directors, other officers, agents, or employees of corporations organized under the provisions of this section: Provided, however, That nothing herein contained shall (1) prohibit any director or other officer, agent or employee of any member bank, who has procured the approval of the Federal Reserve Board from serving at the same time as a director or other officer, agent or employee of any corporation organized under the provisions of this section in whose capital stock such member bank shall have invested; or (2) prohibit any director or other officer, agent, or employee of any corporation organized under the provisions of this section, who has procured the approval of the Federal Reserve Board, from serving at the same time as a director or other officer, agent or employee of any other corporation in whose capital stock such first-mentioned corporation shall have invested under the provisions of this section.

(10) Members of Federal Reserve Board not to hold office in—No member of the Federal Reserve Board shall be an officer or director of any corporation organized under the provisions of this section, or of any corporation engaged in similar business organized under the laws of any State, nor hold stock in any such corporation, and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement.

(11) Liability of shareholders on unpaid subscriptions; membership of corporation in Federal Reserve bank prohibited—Shareholders in any corporation organized under the provisions of this section shall be liable for the amount of their unpaid stock subscriptions. No such corporation shall become a member of any Federal reserve bank.

(12) Forfeiture of rights and privileges; dissolution; liability of directors and officers—Should any corporation organized hereunder violate or fail to comply with any of the provisions of this section, all of its rights, privileges, and franchises derived herefrom may thereby be forfeited. Before any such corporation shall be declared dissolved, or its rights, privileges, and franchises forfeited, any noncompliance with, or violation of such laws shall, however, be determined and adjudged by a court of the United States

of competent jurisdiction, in a suit brought for that purpose in the district or territory in which the home office of such corporation is located, which suit shall be brought by the United States at the instance of the Federal Reserve Board or the Attorney General Upon adjudication of such noncompliance or violation, each director and officer who participated in, or assented to, the illegal act or acts, shall be liable in his personal or individual capacity for all damages which the said corporation shall have sustained in consequence thereof No dissolution shall take away or impair any remedy against the corporation, its stockholders, or officers for any liability or penalty previously incurred.

(13) Voluntary liquidation—Any such corporation may go into voluntary liquidation and be closed by a vote of its shareholders owning two-thirds of its stock

(14) Receivers—Whenever the Federal Reserve Board shall become satisfied of the insolvency of any such corporation, it may appoint a receiver who shall take possession of all of the property and assets of the corporation and exercise the same rights, privileges, powers, and authority with respect thereto as are now exercised by receivers of national banks appointed by the Comptroller of the Currency of the United States: Provided, however, That the assets of the corporation subject to the laws of other countries or jurisdiction shall be dealt with in accordance with the terms of such laws

(15) Stockholders' meetings; books and records; reports; examination—Every corporation organized under the provisions of this section shall hold a meeting of its stockholders annually upon a date fixed in its by-laws, such meeting to be held at its home office in the United States Every such corporation shall keep at its home office books containing the names of all stockholders thereof, and the names and addresses of the members of its board of directors, together with copies of all reports made by it to the Federal Reserve Board. Every such corporation shall make reports to the Federal Reserve Board at such times and in such form as it may require; and shall be subject to examination once a year and at such other times as may be deemed necessary by the Federal Reserve Board by examiners appointed by the Federal Reserve Board, the cost of such examinations, including the compensation of the examiners, to be fixed by the Federal Reserve Board and to be paid by the corporation examined

(16) Dividends; surplus fund—The directors of any corporation organized under the provisions of this section may, semiannually, declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry one-tenth of its net profits of the preceding half year to its surplus fund until the same shall amount to 20 per centum of its capital stock.

(17) State taxation—Any corporation organized under the provisions of this section shall be subject to tax by the State within which its home office is located in the same manner and to the same extent as other corporations organized under the laws of that State which are transacting a similar character of business. The shares of stock in such corporation shall also be subject to tax as the personal property of the owners or holders thereof in the same manner and to the same extent as the shares of stock in similar State corporations.

(18) Extension of corporate existence—Any corporation organized under the provisions of this section may at any time within the two years next previous to the date of the expiration of its corporate existence, by a vote of the shareholders owning two-thirds of its stock, apply to the Federal Reserve Board for its approval to extend the period of its corporate existence for a term of not more than twenty years, and upon certified approval of the Federal Reserve Board such corporation shall have its corporate existence for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or by an Act of Congress or unless its franchise becomes forfeited by some violation of law.

(19) Banking corporations may become corporations authorized by this act; procedure—Any bank or banking institution, principally engaged in foreign business, incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a corporation under the provisions of this section may, by the vote of the shareholders owning not less than two-thirds of the capital stock of such bank or banking association, with the approval of the Federal Reserve Board, be converted into a Federal corporation of the kind authorized by this section with any name approved by the Federal Reserve Board. Provided, however, That said conversion shall not be in contravention of the State law In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of at least two-thirds of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a Federal corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a Federal corporation The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed in accordance with the provisions of this section. When the Federal Reserve Board has given to such corporation a certificate that the provisions of this section have been complied with, such corporation and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this section for corporations originally organized hereunder

(20) Offenses by officers of corporation; punishment—Every officer, director, clerk, employee, or agent of any corporation organized under this section who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, securities, evidences of indebtedness or assets of any character of such corporation, or who without authority from the directors, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, debenture, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of such corporation with intent, in either case, to injure or defraud such corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of such corporation, the Federal Reserve Board, or any agent or examiner appointed to examine the affairs of any such corporation; and every receiver of any such corporation and every clerk or employee of such receiver who shall embezzle, abstract, or willfully misapply or wrongfully convert to his own use any moneys, funds, credits, or assets of any character which may come into his

possession or under his control in the execution of his trust or the performance of the duties of his employment, and every such receiver or clerk or employee of such receiver who shall, with intent to injure or defraud any person, body politic or corporate, or to deceive or mislead the Federal Reserve Board or any agent or examiner appointed to examine the affairs of such receiver, shall make any false entry in any book, report, or record of any matter connected with the duties of such receiver, and every person who with like intent aids or abets any officer, director, clerk, employee, or agent of any corporation organized under this section, or receiver or clerk or employee of such receiver as aforesaid in any violation of this section, shall upon conviction thereof be imprisoned for not less than two years nor more than ten years, and may also be fined not more than $5,000, in the discretion of the court

(21) False representations as to liability of United States for acts of corporation; punishment—Whoever being connected in any capacity with any corporation organized under this section represents in any way that the United States is liable for the payment of any bond or other obligation, or the interest thereon, issued or incurred by any corporation organized hereunder, or that the United States incurs any liability in respect of any act or omission of the corporation, shall be punished by a fine of not more than $10,000 and by imprisonment for not more than five years (Dec. 23, 1913, c 6, § 25(a), added, Dec 24, 1919, c 18, 41 Stat. 378, and amended, Feb. 27, 1921, c 73, 41 Stat 1145, and June 14, 1921, c 22, 42 Stat. 28)

§ 9761. Limit of liabilities incurred by individual—The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per centum of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per centum of its unimpaired surplus fund: Provided, however, That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal Reserve Act, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same, (3) the discount of notes secured by shipping documents, warehouse receipts or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 115 per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance, and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section. The total liabilities to any association, of any person or of any corporation, or firm, or company, or the several members thereof upon any note or notes purchased or discounted by such association and secured by bonds, notes, or certificates of indebtedness as described in (4) hereof shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per centum of such capital stock and surplus fund of such association and the total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, except transactions (1), (2), and (4), shall not at any time exceed 25 per centum of the amount of the association's paid-in and unimpaired capital stock and surplus The exception made under (3) hereof shall not apply to the notes of any one person, corporation or firm or company, or the several members thereof for more than six months in any consecutive twelve months (R S § 5200, amended, June 22, 1906, c 3516, 34 Stat. 451, Sept. 24, 1918, c 176, § 6, 40 Stat 967, and Oct. 22, 1919, c 79, § 1, 41 Stat 296.)

This section was again amended by Act Oct 22, 1919, c 79, § 1, to read as set forth above. As amended by Act Sept 24, 1918, c 176, § 6, this section read as follows:

"The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per centum of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per centum of its unimpaired surplus fund Provided, however, That (1) the discount of bills of exchange drawn in good faith against actually existing values, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm, negotiating the same, and (3) the purchase or discount of any note or notes secured by not less than a like face amount of bonds of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section, but the total liabilities to any association, of any person or of any company, corporation, or firm, upon any note or notes purchased or discounted by such association and secured by such bonds or certificates of indebtedness, shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per centum of such capital stock and surplus fund of such association."

For this section, as originally enacted, see U. S Comp. St 1918, § 9761

§ 9764. Limit on indebtedness—No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto

Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

Fifth. Liabilities incurred under the provisions of the Federal Reserve Act.

Sixth. Liabilities incurred under the provisions of the War Finance Corporation Act.

Seventh. Liabilities created by the indorsement of accepted bills of exchange payable abroad actually owned by the indorsing bank and discounted at home or abroad.

Eighth. Liabilities incurred under the provisions of section 202 of the Federal Farm Loan Act, approved July 17, 1916, as amended (R. S. § 5202, amended, Dec. 23, 1913, c. 6, § 13, 38 Stat. 264, Sept. 7, 1916, c. 461, 39 Stat. 753, April 5, 1918, c. 45, § 20, 40 Stat. 512, Oct. 22, 1919, c 79, § 2, 41 Stat. 297, and March 4, 1923, c. 252, title V, § 504, 42 Stat. 1481.)

For this section prior to its amendment by Act Oct. 22, 1919, c. 79, § 2, cited above, see U. S Comp. St. 1918, § 9764 This section was again amended by Act March 4, 1923, c. 252, title V, § 504, cited above, by adding par 8 as set forth above.

§ 9770. Falsely certifying checks; penalty; punishment—It shall be unlawful for any officer, director, agent, or employee of any Federal reserve

bank, or of any member bank as defined in the Act of December twenty-third, nineteen hundred and thirteen, known as the Federal reserve Act, to certify any check drawn upon such Federal reserve bank or member bank unless the person, firm, or corporation drawing the check has on deposit with such Federal reserve bank or member bank, at the times such check is certified, an amount of money not less than the amount specified in such check. Any check so certified by a duly authorized officer, director, agent, or employee shall be a good and valid obligation against such Federal reserve bank or member bank; but the act of any officer, director, agent, or employee of any such Federal reserve bank or member bank in violation of this section shall, in the discretion of the Federal Reserve Board, subject such Federal reserve bank to the penalties imposed by section eleven, subsection (h), of the Federal reserve Act, and shall subject such member bank if a national bank to the liabilities and proceedings on the part of the Comptroller of the Currency provided for in section fifty-two hundred and thirty-four, Revised Statutes, and shall, in the discretion of the Federal Reserve Board, subject any other member bank to the penalties imposed by section nine of said Federal reserve Act for the violation of any of the provisions of said Act. Any officer, director, agent, or employee of any Federal reserve bank or member bank who shall willfully violate the provisions of this section, or who shall resort to any device, or receive any fictitious obligation, directly or collaterally, in order to evade the provisions thereof, or who shall certify a check before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the bank, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any district court of the United States, be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, in the discretion of the court. (R. S. § 5208, amended, Sept. 26, 1918, c. 177, § 7, 40 Stat. 972.)

This section was amended by Act Sept. 26, 1918, c. 177, § 7, cited above, to read as set forth above. As originally enacted said section read as follows: "It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section fifty-two hundred and thirty-four." Said amendatory section contained the following enacting clause: "That section fifty-two hundred and eight of the Revised Statutes as amended by the Act of July twelfth, eighteen hundred and eighty-two, and section fifty-two hundred and nine of the Revised Statutes as amended by the Acts of April sixth, eighteen hundred and sixty-nine, and July eighth, eighteen hundred and seventy, be, and the same are hereby amended and reenacted to read as follows:" The reference in said enacting clause to the previous amendment of said R. S. § 5208 is to Act July 12, 1882, c. 290, § 13, 32 Stat. 166, which is set forth in U. S. Comp. St. 1918, as § 9771. Said § 9771 is superseded by this amendment.

§ 9771.
See note to § 9770.

§ 9772. Embezzlement, etc.—Any officer, director, agent, or employee of any Federal reserve bank, or of any member bank as defined in the Act of December twenty-third, nineteen hundred and thirteen, known as the Federal reserve Act, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of such Federal reserve bank or member bank, or who, without authority from the directors of such Federal reserve bank or member bank, issues or puts in circulation any of the notes of such Federal reserve bank or member bank, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such Federal reserve bank or member bank, with intent in any case to injure or defraud such Federal reserve bank or member bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such Federal reserve bank or member bank, or the Comptroller of the Currency, or any agent or examiner appointed to examine the affairs of such Federal reserve bank or member bank, or the Federal Reserve Board; and every receiver of a national banking association who, with like intent to defraud or injure, embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of his trust, and every person who, with like intent, aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States shall be fined not more than $5,000 or shall be imprisoned for not more than five years, or both, in the discretion of the court.

Any Federal reserve agent, or any agent or employee of such Federal reserve agent, or of the Federal Reserve Board, who embezzles, abstracts, or willfully misapplies any moneys, funds, or securities intrusted to his care, or without complying with or in violation of the provisions of the Federal reserve Act, issues or puts in circulation any Federal reserve notes shall be guilty of a misdemeanor and upon conviction in any district court of the United States shall be fined not more than $5,000 or imprisoned for not more than five years, or both, in the discretion of the court. (R. S. § 5209, amended, Sept. 26, 1918, c. 177, § 7, 40 Stat. 972.)

This section was amended by Act Sept. 26, 1918, c. 177, § 7, cited above to read as set forth above. As originally enacted said section read as follows: "Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association, or who, without authority from the directors, issues or puts in circulation any of the notes of the association, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten."

§ 9774. Reports to Comptroller of the Currency—Every association shall make to the Comptroller of the Currency not less than three reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the comptroller. The comptroller shall also

have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition. (R. S. § 5211, amended, Feb. 27, 1877, c. 69, § 1, 19 Stat. 252, and Dec. 28, 1922, c. 18, 42 Stat. 1067.)

This section was amended by Act Dec. 28, 1922, c. 18, cited above, by changing the number of reports required from five to three.

For this section prior to this amendment, see U. S. Comp. St. 1918, § 9774.

§ 9784. State taxation—The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

(d) In case the dividends derived from the said shares are taxed, the tax shall not be a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

4. The provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section. (R. S. § 5219, amended, March 4, 1923, c. 267, 42 Stat. 1499.)

Chapter Three A—Federal Reserve Banks

FEDERAL RESERVE BANKS

§ 9788. (1) Certificate of establishment of districts; application blanks for subscriptions to stock—When the organization committee shall have established Federal reserve districts as provided in section two of this Act, a certificate shall be filed with the Comptroller of the Currency showing the geographical limits of such districts and the Federal reserve city designated in each of such districts. The Comptroller of the Currency shall thereupon cause to be forwarded to each national bank located in each district, and to such other banks declared to be eligible by the organization committee which may apply therefor, an application blank in form to be approved by the organization committee, which blank shall contain a resolution to be adopted by the board of directors of each bank executing such application, authorizing a subscription to the capital stock of the Federal reserve bank organizing in that district in accordance with the provisions of this Act.

(2) Certificate of organization of bank—When the minimum amount of capital stock prescribed by this Act for the organization of any Federal reserve bank shall have been subscribed and allotted, the organization committee shall designate any five banks of those whose applications have been received, to execute a certificate of organization, and thereupon the banks so designated shall, under their seals, make an organization certificate which shall specifically state the name of such Federal reserve bank, the territorial extent of the district over which the operations of such Federal reserve bank are to be carried on, the city and State in which said bank is to be located, the amount of capital stock and the number of shares into which the same is divided, the name and place of doing business of each bank executing such certificate, and of all banks which have subscribed to the capital stock of such Federal reserve bank and the number of shares subscribed by each, and the fact that the certificate is made to enable those banks executing same, and all banks which have subscribed or may thereafter subscribe to the capital stock of such Federal reserve bank, to avail themselves of the advantages of this Act.

(3) Same; acknowledgment and transmission to Comptroller; filing—The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall file, record and carefully preserve the same in his office.

(4) Corporate capacity and powers—Upon the filing of such certificate with the Comptroller of the Currency as aforesaid, the said Federal reserve bank shall become a body corporate and as such, and in the name designated in such organization certificate, shall have power—

First. To adopt and use a corporate seal.

Second. To have succession for a period of twenty years from its organization unless it is sooner dissolved by an Act of Congress, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity.

Fifth. To appoint by its board of directors, such officers and employees as are not otherwise provided for in this Act, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees.

Sixth. To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this Act and such incidental powers as shall be necessary to carry on

the business of banking within the limitations prescribed by this Act

Eighth Upon deposit with the Treasurer of the United States of any bonds of the United States in the manner provided by existing law relating to national banks, to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited, such notes to be issued under the same conditions and provisions of law as relate to the issue of circulating notes of national banks secured by bonds of the United States bearing the circulating privilege, except that the issue of such notes shall not be limited to the capital stock of such Federal reserve bank

But no Federal reserve bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence business under the provisions of this Act.

(5) Board of directors; chairman and "Federal reserve agent"; deputies; assistant agents—Every Federal reserve bank shall be conducted under the supervision and control of a board of directors.

The board of directors shall perform the duties usually appertaining to the office of directors of banking associations and all such duties as are prescribed by law.

Said board shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and shall, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each member bank such discounts, advancements and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks.

Such board of directors shall be selected as hereinafter specified and shall consist of nine members, holding office for three years, and divided into three classes, designated as classes A, B, and C.

Class A shall consist of three members, who shall be chosen by and be representative of the stock-holding banks.

Class B shall consist of three members, who at the time of their election shall be actively engaged in their district in commerce, agriculture or some other industrial pursuit.

Class C shall consist of three members who shall be designated by the Federal Reserve Board. When the necessary subscriptions to the capital stock have been obtained for the organization of any Federal reserve bank, the Federal Reserve Board shall appoint the class C directors and shall designate one of such directors as chairman of the board to be selected Pending the designation of such chairman, the organization committee shall exercise the powers and duties appertaining to the office of chairman in the organization of such Federal reserve bank

No Senator or Representative in Congress shall be a member of the Federal Reserve Board or an officer or a director of a Federal reserve bank.

No director of class B shall be an officer, director, or employee of any bank.

No director of class C shall be an officer, director, employee, or stockholder of any bank.

Directors of Class A and Class B shall be chosen in the following manner:

The Federal Reserve Board shall classify the member banks of the district into three general groups or divisions, designating each group by number. Each group shall consist as nearly as may be of banks of similar capitalization. Each member bank shall be permitted to nominate to the chairman of the board of directors of the Federal reserve bank of the district one candidate for director of Class A and one candidate for director of Class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each member bank Each member bank by a resolution of the board or by an amendment to its by-laws shall authorize its president, cashier, or some other officer to cast the vote of the member bank in the elections of Class A and Class B directors

Within fifteen days after receipt of the list of candidates the duly authorized officer of a member bank shall certify to the chairman his first, second, and other choices for director of Class A and Class B, respectively, upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of Class A and for a director of Class B, but shall not vote more than one choice for any one candidate No officer or director of a member bank shall be eligible to serve as a Class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a Class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

Any candidate having a majority of all votes cast in the column of first choice shall be declared elected If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected An immediate report of election shall be declared.

Class C directors shall be appointed by the Federal Reserve Board They shall have been for at least two years residents of the district for which they are appointed one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as "Federal reserve agent." He shall be a person of tested banking experience and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this Act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary. In case of the absence of the chairman and deputy chairman, the third class C director shall preside at meetings of the board..

Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be

persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as it may deem necessary for the protection of the United States Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent

Directors of Federal reserve banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, which amount shall be paid by the respective Federal reserve banks Any compensation that may be provided by boards of directors of Federal reserve banks for directors, officers or employees shall be subject to the approval of the Federal Reserve Board.

The Reserve Bank Organization Committee may, in organizing Federal reserve banks, call such meetings of bank directors in the several districts as may be necessary to carry out the purposes of this Act, and may exercise the functions herein conferred upon the chairman of the board of directors of each Federal reserve bank pending the complete organization of such bank.

At the first meeting of the full board of directors of each Federal reserve bank, it shall be the duty of the directors of classes A, B and C, respectively, to designate one of the members of each class whose term of office shall expire in one year from the first of January nearest to date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date Thereafter every director of a Federal reserve bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the several classes of directors of Federal reserve banks may be filled in the manner provided for the original selection of such directors, such appointees to hold office for the unexpired terms of their predecessors (Dec 23, 1913, c 6, § 4, 38 Stat 254, amended, June 21, 1917, c. 32, § 2, 40 Stat 232, and Sept 26, 1918, c. 177, § 1, 40 Stat 968.)

Subdivision 5 of this section was again amended by Act Sept. 26, 1918, c. 177, § 1, cited above, by striking out from this subdivision the following.

"Directors of Class A and Class B shall be chosen in the following manner

"The chairman of the board of directors of the Federal reserve bank of the district in which the bank is situated or, pending the appointment of such chairman, the organization committee shall classify the member banks of the district into three general groups or divisions Each group shall contain as nearly as may be one-third of the aggregate number of the member banks of the district, and shall consist, as nearly as may be, of banks of similar capitalization. The groups shall be designated by number by the chairman.

"At a regularly called meeting of the board of directors of each member bank in the district it shall elect by ballot a district reserve elector and shall certify his name to the chairman of the board of directors of the Federal reserve bank of the district The chairman shall make lists of the district reserve electors thus named by banks in each of the aforesaid three groups and shall transmit one list to each elector in each group

"Each member bank shall be permitted to nominate to the chairman one candidate for director of Class A and one candidate for director of Class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within fifteen days after its completion, be furnished by the chairman to each elector.

"Every director shall, within fifteen days after the receipt of the said list, certify to the chairman his first, second, and other choices of a director of Class A and Class B, respectively, upon a preferential ballot, on a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each elector shall make a cross opposite the name of the first, second, and other choices for a director of Class A and for a director of Class B, but shall not vote more than one choice for any one candidate"—and by inserting in lieu thereof the provision beginning with "Directors of Class A and Class B shall be chosen in the following manner," and ending with "having the largest aggregate resources of any of those of which such person is an officer or director," so as to make the subdivision read as set forth above.

DIVISION OF EARNINGS

§ 9791. (1) Dividends on stock of reserve banks; franchise tax on net earnings; surplus fund—After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of six per centum on the paid-in capital stock, which dividend shall be cumulative After the aforesaid dividend claims have been fully met, the net earnings shall be paid to the United States as a franchise tax except that the whole of such net earnings, including those for the year ending December thirty-first, nineteen hundred and eighteen, shall be paid into a surplus fund until it shall amount to one hundred per centum of the subscribed capital stock of such bank, and that thereafter ten per centum of such net earnings shall be paid into the surplus

This paragraph was amended by Act March 3, 1919, c 101, § 1, cited above, to read as set forth above Prior to this amendment this paragraph read as follows

"After the aforesaid dividend claims have been fully met, all the net earnings shall be paid to the United States as a franchise tax except that one-half of such net earnings shall be paid into a surplus fund until it shall amount to forty per centum of the paid-in capital stock of such bank"

(2) Disposition of net earnings paid as franchise tax; disposition of surplus fund on dissolution or insolvency of reserve bank—The net earnings derived by the United States from Federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal reserve bank be dissolved or go into liquidation, any surplus remaining, after the payment of all debts, dividend requirements as hereinbefore provided, and the par value of the stock, shall be paid to and become the property of the United States and shall be similarly applied

(3) Exemption from taxation—Federal reserve banks, including the capital stock and surplus thereof, and the income derived therefrom shall be exempt from Federal, State, and local taxation, except taxes upon real estate (Dec 23, 1913, c 6, § 7, 38 Stat 258, amended, March 3, 1919, c. 101, § 1, 40 Stat 1314)

STATE BANKS AS MEMBERS

§ 9792. (1) Application for membership—Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System, may make application to the Federal Reserve Board, under such rules and regulations as it may prescribe, for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

(2) Determination on application—In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying

bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this Act

(3) Stock in Federal reserve banks; how paid for—Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this Act

(4) Laws applicable on becoming members—All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this Act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section fifty-two hundred and nine of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within ten days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise

(5) Examinations—As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

(6) Acceptance of examinations and reports by state authorities; special examinations—Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: Provided, however, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined.

(7) Surrender of stock and cancellation of memberships—If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

(8) Withdrawals from membership—Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: Provided, however, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than twenty-five per centum of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one per centum per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

(9) Capital stock required as condition precedent to membership—No applying bank shall be admitted to membership in a Federal reserve bank unless (a) it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the National Bank Act, or (b) it possesses a paid-up, unimpaired capital of at least 60 per centum of the amount sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the National Bank Act and, under penalty of loss of membership complies with rules and regulations which the Federal Reserve Board shall prescribe fixing the time within which and the method by which the unimpaired capital of such bank shall be increased out of net income to equal the capital which would have been required if such bank had been admitted to membership under the provisions of clause (a) of this paragraph: Provided, That every such rule or regulation shall require the applying bank to set aside annually not less than 20 per centum of its net income of the preceding year as a fund exclusively applicable to such capital increase.

(10) Laws applicable on becoming members; discounts for state banks—Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this Act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section fifty-two hundred and forty of the Revised Statutes as amended by section twenty-one of this Act. Subject to the provisions of this Act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks. Provided, however, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts,

or bills of exchange are under discount with the Federal reserve bank.

(11) Certifying checks on state banks admitted as members—It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board. (Dec. 23, 1913, c 6, § 9, 38 Stat 259, amended June 21, 1917, c. 32, § 3, 40 Stat. 232, July 1, 1922, c. 274, 42 Stat 821, and March 4, 1923, c. 252, title IV, § 401, 42 Stat. 1478.)

This section was again amended by Act July 1, 1922, c. 274, 42 Stat. 821, cited above, by changing the proviso in paragraph (10) to read as set forth above Prior to this amendment said proviso read as follows "Provided, however, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than ten per centum of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as borrowed money within the meaning of this section"

It was again amended by Act March 4, 1923, c. 252, title IV, § 401, cited above, by changing the ninth paragraph thereof to read as set forth above.

FEDERAL RESERVE BOARD

§ 9793. (1) Number of members; appointment; ex officio members; salaries—A Federal Reserve Board is hereby created which shall consist of eight members, including the Secretary of the Treasury and the Comptroller of the Currency, who shall be members ex officio, and six members appointed by the President of the United States, by and with the advice and consent of the Senate In selecting the six appointive members of the Federal Reserve Board, not more than one of whom shall be selected from any one Federal reserve district, the President shall have due regard to a fair representation of the financial, agricultural, industrial and commercial interests, and geographical divisions of the country. The six members of the Federal Reserve Board appointed by the President and confirmed as aforesaid shall devote their entire time to the business of the Federal Reserve Board and shall each receive an annual salary of $12,000, payable monthly, together with actual necessary traveling expenses, and the Comptroller of the Currency, as ex officio member of the Federal Reserve Board, shall, in addition to the salary now paid him as Comptroller of the Currency, receive the sum of $7,000 annually for his services as a member of said board.

This paragraph was amended by Act June 3, 1922, c. 205, 42 Stat 620, to read as set forth above For this paragraph, as originally enacted, see U. S. Comp. St. 1918, § 9793(1).

(2) Ineligibility to hold office in member banks; qualifications and terms of office of members; governor and vice governor; office for board; oath of office—The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed Of the six members thus appointed by the President one shall be designated by the President to serve for two, one for four, one for six, one for eight and the balance of the members for ten years, and thereafter each member so appointed shall serve for a term of ten years, unless sooner removed for cause by the President. Of the six persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board The governor of the Federal Reserve Board, subject to its supervision, shall be the active executive officer The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board. Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office.

This paragraph was amended by Act March 3, 1919, c 101, § 2, 40 Stat 1315, to read as follows

"The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed Of the five members thus appointed by the President at least two shall be persons experienced in banking or finance One shall be designated by the President to serve for two, one for four, one for six, one for eight, and one for ten years, and thereafter each member so appointed shall serve for a term of ten years unless sooner removed for cause by the President Of the five persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board The governor of the Federal Reserve Board, subject to its supervision, shall be the active executive officer. The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board. Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office."

For this paragraph, prior to this amendment, see U S Comp St. 1918, § 9793(2). It was again amended by Act June 3, 1922, c 205, 42 Stat 620, to read as set forth above.

(3) Assessments to pay expenses—The Federal Reserve Board shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and the salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year.

(4) First meeting; members not to hold stock; vacancies—The first meeting of the Federal Reserve Board shall be held in Washington, District of Columbia, as soon as may be after the passage of this Act, at a date to be fixed by the Reserve Bank Organization Committee. The Secretary of the Treasury shall be ex officio chairman of the Federal Reserve Board. No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or Federal reserve bank nor hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Federal Reserve Board appointed by the President, as above provided, a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of the member whose place he is selected to fill.

This paragraph was amended by Act June 3, 1922, c. 205, 42 Stat. 620, by substituting the word "six" for the word "five."

(5) Filling vacancies—The President shall have power to fill all vacancies that may happen on the Federal Reserve Board during the recess of the Senate by granting commissions which shall expire with the next session of the Senate

For this paragraph, as it read prior to its amendment by Act June 3, 1922, c 205, 42 Stat 620, see U S Comp St 1918, § 9793(5)

(6) Powers of Secretary of the Treasury—Nothing in this Act contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and bureaus under such department, and wherever any power vested by this Act in the Federal Reserve Board or the Federal reserve agent appears to conflict with the powers of the Secretary of the Treasury, such powers shall be exercised subject to the supervision and control of the Secretary.

(7) Reports to Congress—The Federal Reserve Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress (Dec. 23, 1913, c 6, § 10, 38 Stat 260, amended, March 3, 1919, c 101, § 2, 40 Stat. 1315, and June 3, 1922, c 205, 42 Stat 620)

§ 9794. Enumerated powers—The Federal Reserve Board shall be authorized and empowered·

(a) Examination of accounts of banks; publication of weekly statements—(a) To examine at its discretion the accounts, books and affairs of each Federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary. The said board shall publish once each week a statement showing the condition of each Federal reserve bank and a consolidated statement for all Federal reserve banks. Such statements shall show in detail the assets and liabilities of the Federal reserve banks, single and combined, and shall furnish full information regarding the character of the money held as reserve and the amount, nature and maturities of the paper and other investments owned or held by Federal reserve banks

(b) Permitting rediscounting of discounted paper—(b) To permit, or, on the affirmative vote of at least five members of the Reserve Board to require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed by the Federal Reserve Board.

(c) Suspending reserve requirements; establishing graduated tax on deficiency in gold reserve—(c) To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirement specified in this Act· Provided, That it shall establish a graduated tax upon the amounts by which the reserve requirements of this Act may be permitted to fall below the level hereinafter specified: And provided further, That when the gold reserve held against Federal reserve notes falls below forty per centum, the Federal Reserve Board shall establish a graduated tax of not more than one per centum per annum upon such deficiency until the reserves fall to thirty-two and one-half per centum, and when said reserve falls below thirty-two and one-half per centum, a tax at the rate increasingly of not less than one and one-half per centum per annum upon each two and one-half per centum or fraction thereof that such reserve falls below thirty-two and one-half per centum The tax shall be paid by the reserve bank, but the reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Federal Reserve Board.

(d) Supervising and regulating issue and retirement of notes—(d) To supervise and regulate through the bureau under the charge of the Comptroller of the Currency the issue and retirement of Federal reserve notes, and to prescribe rules and regulations under which such notes may be delivered by the Comptroller to the Federal reserve agents applying therefor

(e) Adding to or reclassifying reserve and central reserve cities—(e) To add to the number of cities classified as reserve and central reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in section twenty of this Act, or to reclassify existing reserve and central reserve cities or to terminate their designation as such.

(f) Suspending or removing officers or directors of reserve banks—(f) To suspend or remove any officer or director of any Federal reserve bank, the cause of such removal to be forthwith communicated in writing by the Federal Reserve Board to the removed officer or director and to said bank

(g) Requiring writing off of doubtful or worthless assets of banks—(g) To require the writing off of doubtful or worthless assets upon the books and balance sheets of Federal reserve banks

(h) Suspending operations or liquidating or reorganizing banks—(h) To suspend, for the violation of any of the provisions of this Act, the operations of any Federal reserve bank, to take possession thereof, administer the same during the period of suspension, and, when deemed advisable, to liquidate or reorganize such bank.

(i) Requiring bonds of agents; making regulations for safeguarding collateral, bonds, and notes—(i) To require bonds of Federal reserve agents, to make regulations for the safeguarding of all collateral, bonds, Federal reserve notes, money or property of any kind deposited in the hands of such agents, and said board shall perform the duties, functions, or services specified in this Act, and make all rules and regulations necessary to enable said board effectively to perform the same,

(j) Exercising supervision over reserve banks—(j) To exercise general supervision over said Federal reserve banks

(k) Permitting national banks to act as fiduciaries—(k) To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located.

Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with national banks, the granting to and the exercise of such powers by national banks shall not be deemed to be in contravention of State or local law within the meaning of this Act.

National banks exercising any or all of the powers enumerated in this subsection shall segregate all assets held in any fiduciary capacity from the general assets of the bank and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this subsection. Such books and records shall be open to inspection by the State authorities to the same extent as the

books and records of corporations organized under State law which exercise fiduciary powers, but nothing in this Act shall be construed as authorizing the State authorities to examine the books, records, and assets of the national bank which are not held in trust under authority of this subsection

No national bank shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes Funds deposited or held in trust by the bank awaiting investment shall be carried in a separate account and shall not be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Federal Reserve Board.

In the event of the failure of such bank the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the bank

Whenever the laws of a state require corporations acting in a fiduciary capacity, to deposit securities with the State authorities for the protection of private or court trusts, national banks so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law.

National banks in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement.

National banks shall have power to execute such bond when so required by the laws of the State

In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such national bank may take the necessary oath or execute the necessary affidavit

It shall be unlawful for any national banking association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court

In passing upon applications for permission to exercise the powers enumerated in this subsection, the Federal Reserve Board may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: Provided, That no permit shall be issued to any national banking association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers.

This section was again amended by Act Sept 26, 1918, c. 177, § 2, cited above, by making subdivision (k) read as set forth above Prior to this amendment said subdivision read as follows: "(k) To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe"

(l) Employing attorneys, experts, assistants and clerks; salaries and fees; civil service rules not applicable—(1) To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the Act of January sixteenth, eighteen hundred and eighty-three (volume twenty-two, United States Statutes at Large, page four hundred and three), and amendments thereto, or any rule or regulation made in pursuance thereof Provided, That nothing herein shall prevent the President from placing said employees in the classified service.

(m) Discount of notes, drafts, etc., for member banks—Upon the affirmative vote of not less than five of its members, the Federal Reserve Board shall have power to permit Federal reserve banks to discount for any member bank notes, drafts, or bills of exchange bearing the signature or endorsement of any one borrower in excess of the amount permitted by section 9 and section 13 of this Act, but in no case to exceed 20 per centum of the member bank's capital and surplus· Provided, however, That all such notes, drafts, or bills of exchange discounted for any member bank in excess of the amount permitted under such sections shall be secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, for which the borrower shall in good faith prior to January 1, 1921, have paid or agreed to pay not less than the full face amount thereof, or certificates of indebtedness of the United States: Provided further, That the provisions of this subsection (m) shall not be operative after October 31, 1921 (Dec. 23, 1913, c 6, § 11, 38 Stat. 261, amended, Sept 7, 1916, c 461, 39 Stat. 752, Sept 26, 1918, c 177, § 2, 40 Stat. 968, March 3, 1919, c. 101, § 3, 40 Stat. 1315, and Feb. 27, 1921, c. 75, 41 Stat. 1146.)

This paragraph was amended by Act March 3, 1919, c 101, § 3, 40 Stat 1315, to read as follows "Upon the affirmative vote of not less than five of its members, the Federal Reserve Board shall have power to permit Federal reserve banks to discount for any member bank notes, drafts, or bills of exchange bearing the signature or endorsement of any one borrower in excess of the amount permitted by section nine and section thirteen of this Act, but in no case to exceed twenty per centum of the member bank's capital and surplus Provided, however, That all such notes, drafts, or bills of exchange discounted for any member bank in excess of the amount permitted under such sections shall be secured by not less than a like face amount of bonds or notes of the United States issued since April twenty-fourth, nineteen hundred and seventeen, or certificates of indebtedness of the United States Provided further, That the provisions of this subsection (m) shall not be operative after December thirty-first, nineteen hundred and twenty"

Prior to this amendment the paragraph read as follows: "Upon the affirmative vote of not less than five of its members the Federal Reserve Board shall have power, from time to time, by general ruling, covering all districts alike, to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section nineteen of this Act to be held in their own vaults."

It was again amended by Act Feb 27, 1921, c. 75, 41 Stat 1146, to read as set forth above.

POWERS OF FEDERAL RESERVE BANKS

§ 9796. (1) Deposits with Federal reserve banks—Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money,

national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: Provided, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: Provided further, That nothing in this or any other section of this Act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, to be determined and regulated by the Federal Reserve Board, but in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise; but no such charges shall be made against the Federal reserve banks.

(2) Discount of notes, drafts, or bills of exchange arising out of commercial transactions—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions, that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this Act. Nothing in this Act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States. Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 90 days, exclusive of grace.

(2a) Discount or purchase of bills of exchange drawn to finance domestic shipment of nonperishable marketable staple agricultural products secured by bills of lading, etc.—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which are drawn to finance the domestic shipment of nonperishable, readily marketable staple agricultural products and are secured by bills of lading or other shipping documents conveying or securing title to such staples: Provided, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: Provided further, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof.

(3) Aggregate of rediscounted notes and bills—The aggregate of such notes, drafts, and bills bearing the signature or indorsement of any one borrower, whether a person, company, firm, or corporation, rediscounted for any one bank shall at no time exceed ten per centum of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values

(4) Discount of acceptances—Any Federal reserve bank may discount acceptances of the kinds hereinafter described, which have a maturity at the time of discount of not more than 90 days' sight, exclusive of days of grace, and which are indorsed by at least one member bank: Provided, That such acceptances if drawn for an agricultural purpose and secured at the time of acceptance by warehouse receipts or other such documents conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight exclusive of days of grace.

(5) Acceptance of drafts or bills of exchange on imported or exported goods—Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods, or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance, or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than ten per centum of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: Provided, however, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred per centum of its paid-up and unimpaired capital stock and surplus: Provided, further, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty per centum of such capital stock and surplus

(6) Advances to member banks on their notes—Any Federal reserve bank may make advances to its member banks on their promissory notes for a period not exceeding fifteen days at rates to be established by such Federal reserve banks, subject to the review and determination of the Federal Reserve Board, provided such promissory notes are secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under the provisions of this Act, or by the deposit or pledge of bonds or notes of the United States. (Dec. 23, 1913, c. 6, § 13, 38 Stat 263, amended, March 3, 1915, c. 93, 38 Stat. 958, Sept. 7, 1916, c. 461, 39 Stat. 752, June 21, 1917, c 32, §§ 4, 5, 40 Stat. 234, 235, and March 4, 1923, c. 252, title IV, §§ 402, 403, 42 Stat. 1478, 1479.)

§ 9796a. (1) Discount of notes, drafts, and bills of exchange issued or drawn for agricultural purposes or based upon live-stock—Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by

such bank as to its own indorsement exclusively, any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon live stock, and having a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months, and such notes, drafts, and bills of exchange may be offered as collateral security for the issuance of Federal reserve notes under the provisions of section 16 of this Act: Provided, That notes, drafts, and bills of exchange with maturities in excess of six months shall not be eligible as a basis for the issuance of Federal reserve notes unless secured by warehouse receipts or other such negotiable documents conveying or securing title to readily marketable staple agricultural products or by chattel mortgage upon live stock which is being fattened for market.

(2) Rediscount of notes, drafts, and bills of exchange for Federal Intermediate Credit Banks—Any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, rediscount such notes, drafts, and bills for any Federal Intermediate Credit Bank, except that no Federal reserve bank shall rediscount for a Federal Intermediate Credit Bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with section 9 of this Act.

(3) Buying and selling debentures, etc., issued by Federal Intermediate Credit Banks—Any Federal reserve bank may also buy and sell debentures and other such obligations issued by a Federal Intermediate Credit Bank or by a National Agricultural Credit Corporation, but only to the same extent as and subject to the same limitations as those upon which it may buy and sell bonds issued under Title I of the Federal Farm Loan Act.

(4) Notes, drafts, bills of exchange, or acceptances issued or drawn by cooperative marketing associations deemed for agricultural purposes—Notes, drafts, bills of exchange or acceptances issued or drawn by cooperative marketing associations composed of producers of agricultural products shall be deemed to have been issued or drawn for an agricultural purpose, within the meaning of this section, if the proceeds thereof have been or are to be advanced by such association to any members thereof for an agricultural purpose, or have been or are to be used by such association in making payments to any members thereof on account of agricultural products delivered by such members to the association, or if such proceeds have been or are to be used by such association to meet expenditures incurred or to be incurred by the association in connection with the grading, processing, packing, preparation for market, or marketing of any agricultural product handled by such association for any of its members: Provided, That the express enumeration in this paragraph of certain classes of paper of cooperative marketing associations as eligible for rediscount shall not be construed as rendering ineligible any other class of paper of such associations which is now eligible for rediscount.

(5) Limitation on amount of discounts of certain notes, drafts, acceptances, or bills of exchange—The Federal Reserve Board may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes, drafts, acceptances, or bills having a maturity in excess of three months, but not exceeding six months, exclusive of days of grace, which may be discounted by such bank, and the amount of notes, drafts, bills, or acceptances having a maturity in excess of six months, but not exceeding nine months, which may be rediscounted by such bank (Dec. 23, 1913, c. 6, § 13a, added, March 4, 1923, c. 252, title IV, § 404, 42 Stat 1479)

Added to the Federal Reserve Act as § 13a thereof, by Act March 4, 1923, c 252, title IV, § 404, 42 Stat 1479, cited above.

OPEN MARKET OPERATIONS

§ 9797. (1) Purchase or sale in open market by reserve banks of bills of exchange—Any Federal reserve bank may, under rules and regulations prescribed by the Federal Reserve Board, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers and bankers' acceptances and bills of exchange of the kinds and maturities by this Act made eligible for rediscount, with or without the indorsement of a member bank.

(2) Powers of reserve banks—Every Federal reserve bank shall have power.

(a) To deal in gold coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold, gold coin, or gold certificates, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of United States bonds or other securities which Federal reserve banks are authorized to hold;

(b) To buy and sell, at home or abroad, bonds and notes of the United States, and bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and reclamation districts, such purchases to be made in accordance with rules and regulations prescribed by the Federal Reserve Board;

(c) To purchase from member banks and to sell, with or without its indorsement, bills of exchange arising out of commercial transactions, as hereinbefore defined;

(d) To establish from time to time, subject to review and determination of the Federal Reserve Board, rates of discount to be charged by the Federal reserve bank for each class of paper, which shall be fixed with a view of accommodating commerce and business;

(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board.

(f) To purchase and sell in the open market, either

from or to domestic banks, firms, corporations, or individuals acceptances of Federal Intermediate Credit Banks and of National Agricultural Credit Corporations, whenever the Federal Reserve Board shall declare that the public interest so requires (Dec 23, 1913, c 6, § 14, 38 Stat. 264, amended Sept. 7, 1916, c. 461, 39 Stat 754, June 21, 1917, c 32, § 6, 40 Stat 235, April 13, 1920, c 128, 41 Stat 550 and March 4, 1923, c 252, title IV, §§ 405, 407 42 Stat 1480)

This section was again amended by Act March 4, 1923, c 252, title IV, § 405, 42 Stat 1480, cited above, by adding to paragraph (2) thereof subdivision (f) as set forth above

Act April 13, 1920, c 128, 41 Stat 550, which amended paragraph (d) by adding, after the words "accommodating commerce and business," the words, "and which, subject to the approval, review, and determination of the Federal Reserve Board, may be graduated or progressed on the basis of the amount of the advances and discount accommodations extended by the Federal Reserve bank to the borrowing bank" was repealed by § 407 of said Act March 4, 1923, c 252 title IV, 42 Stat 1480

GOVERNMENT DEPOSITS

§ 9798. (1) Deposits in reserve banks and fiscal agencies thereof for United States—The money held in the general fund of the Treasury, except the five per centum fund for the redemption of outstanding national-bank notes and the funds provided in this Act for the redemption of Federal reserve notes may upon the direction of the Secretary of the Treasury, be deposited in Federal Reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits

(2) Deposits in banks not belonging to system established by Act prohibited; member banks as depositaries—No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this Act: Provided, however, That nothing in this Act shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositories.

(3) Federal reserve banks as depositaries for or fiscal agents of National Agricultural Credit Corporations or Federal Intermediate Credit Banks—The Federal reserve banks are hereby authorized to act as depositories for and fiscal agents of any National Agricultural Credit Corporation or Federal Intermediate Credit Bank. (Dec 23, 1913, c 6, § 15, 38 Stat 265, amended, March 4, 1923, c 252, title IV, § 406, 42 Stat 1480)

This section was amended by Act March 4, 1923, c 252, title IV, § 406, 42 Stat 1480, cited above, by adding thereto paragraph (3) as set forth above

NOTE ISSUES

§ 9799. (1) Federal reserve notes; issue; by whom and for what dues receivable; redemption—Federal reserve notes, to be issued at the discretion of the Federal Reserve Board for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are hereby authorized The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or in gold or lawful money at any Federal reserve bank.

(2) Same; application for; collateral—Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section thirteen of this Act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section fourteen of this Act, or bankers' acceptances purchased under the provisions of said section fourteen, or gold or gold certificates, but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

(3) Reserves against deposits and notes; return for credit or redemption of notes to bank of issue; ten per cent. penalty on issue by bank other than that of issue; redemption of notes at Treasury; exchange for gold of notes received at Treasury otherwise than for redemption; cancellation and destruction of notes unfit for circulation—Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than thirty-five per centum against its deposits and reserves in gold of not less than forty per centum against its Federal reserve notes in actual circulation: Provided, however, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal Reserve Board to each Federal reserve bank Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued, or upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired No Federal reserve bank shall pay out notes issued through another under penalty of a tax of ten per centum upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and

returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction

(4) Deposits in Treasury for redemption of notes; grant or rejection of application for notes; manner of supplying; interest; lien of notes on assets—The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than five per centum of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security, but such deposit of gold shall be counted and included as part of the forty per centum reserve hereinbefore required The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part or to reject entirely the application of any Federal reserve bank for Federal reserve notes, but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section eighteen of this Act upon security of United States two per centum Government bonds, become a first and paramount lien on all the assets of such bank.

(5) Reduction of liability for outstanding notes by deposit of notes and money with reserve agent; disposition of gold so deposited—Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent

(6) Withdrawal of collateral deposited to protect notes; substitution of other collateral or retirement of notes—Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.

(7) Custody and safe-keeping of notes—All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal Reserve Act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.

(8) Place of deposit of notes prior to delivery to banks—When such notes have been prepared, they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each Federal reserve bank and shall be held for the use of such bank subject to the order of the Comptroller of the Currency for their delivery, as provided by this Act

(9) Printing; denominations—In order to furnish suitable notes for circulation as Federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of $5, $10, $20, $50, $100, $500, $1,000, $5,000, $10,000 as may be required to supply the Federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this Act and shall bear the distinctive numbers of the several Federal reserve banks through which they are issued

This section was again amended by Act Sept 26, 1918, c. 177, § 3, cited above, by making paragraph 9 thereof read as set forth above Prior to this amendment said paragraph read as follows "The plates and dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the Federal reserve banks, and the Federal Reserve Board shall include in its estimate of expenses levied against the Federal reserve banks a sufficient amount to cover the expenses herein provided for."

(10) Examination of plates and dies—The examination of plates, dies, bed pieces, and so forth, and regulations relating to such examination of plates, dies, and so forth, of national-bank notes provided for in section fifty-one hundred and seventy-four Revised Statutes, is hereby extended to include notes herein provided for.

(11) Appropriations and paper for printing notes; reimbursement of United States for printing notes—Any appropriation heretofore made out

of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the Act of May thirtieth, nineteen hundred and eight, and any distinctive paper that may be on hand at the time of the passage of this Act may be used in the discretion of the Secretary for the purposes of this Act, and should the appropriations heretofore made be insufficient to meet the requirements of this Act in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: Provided, however, That nothing in this section contained shall be construed as exempting national banks or Federal reserve banks from their liability to reimburse the United States for any expenses incurred in printing and issuing circulating notes.

(12) Deposit of checks and drafts for collection; charges; clearance of checks—Every Federal reserve bank shall receive on deposit at par from member banks or from Federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and drafts drawn by any depositor in any other Federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank. Nothing herein contained shall be construed as prohibiting a member bank from charging its actual expense incurred in collecting and remitting funds, or for exchange sold to its patrons. The Federal Reserve Board shall, by rule, fix the charges to be collected by the member banks from its patrons whose checks are cleared through the Federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank.

(13) Rules and regulations for transfer of funds and charges therefor among banks; clearing houses—The Federal Reserve Board shall make and promulgate from time to time regulations governing the transfer of funds and charges therefor among Federal reserve banks and their branches, and may at its discretion exercise the functions of a clearing house for such Federal reserve banks, or may designate a Federal reserve bank to exercise such functions, and may also require each such bank to exercise the functions of a clearing house for its member banks.

(14) Deposits of gold coin or gold certificates with Treasurer—That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any assistant treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any assistant treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: Provided, however, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury

The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

Nothing in this section shall be construed as amending section six of the Act of March fourteenth, nineteen hundred, as amended by the Acts of March fourth, nineteen hundred and seven, March second, nineteen hundred and eleven, and June twelfth, nineteen hundred and sixteen, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those Acts. (Dec. 23, 1913, c. 6, § 16, 38 Stat. 265, amended, Sept. 7, 1916, c. 461, 39 Stat 754, June 21, 1917, c. 32, §§ 7, 8, 40 Stat. 236, 238, and Sept. 26, 1918, c 177, § 3, 40 Stat. 969)

BANK RESERVES

§ 9801. (1) Demand deposits defined—Demand deposits within the meaning of this Act shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after thirty days, all savings accounts and certificates of deposit which are subject to not less than thirty days notice before payment, and all postal savings deposits.

(2) Reserves of subscribing member banks—Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than seven per centum of the aggregate amount of its demand deposits and three per centum of its time deposits

(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than ten per centum of the aggregate amount of its demand deposits and three per centum of its time deposits: Provided, however, That if located in the outlying districts of a reserve city or in territory added to such city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraph (a) hereof.

(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than thirteen per centum of the aggregate amount of its demand deposits and three per centum of its time deposits: Provided, however, That if located in the outlying districts of a central reserve

city or in territory added to such city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraphs (a) or (b) thereof.

[No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of ten per centum of its own paid-up capital and surplus No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this Act, except by permission of the Federal Reserve Board.

The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities. Provided, however, That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored.

In estimating the balances required by this Act, the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined

National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this Act.] (Dec. 23, 1913, c. 6, § 19, 38 Stat. 270, amended, Aug. 15, 1914, c. 252, 38 Stat. 691, June 21, 1917, c. 32, § 10, 40 Stat. 239, and Sept. 26, 1918, c. 177, § 4, 40 Stat 970)

This section was again amended by Act Sept. 26, 1918, c 177, § 4, cited above, by making paragraphs b and c of this subdivision read as set forth above. Prior to this amendment said paragraphs b and c read as follows:

"(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than ten per centum of the aggregate amount of its demand deposits and three per centum of its time deposits."

"(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than thirteen per centum of the aggregate amount of its demand deposits and three per centum of its time deposits"

The matter in the text as set forth above, contained in brackets, was a part of the amendment of this section by Act June 21, 1917, c. 32, § 10, 40 Stat 239, which said amendatory act amended and re-enacted the whole of said section 19. The amendment of this section by Act Aug 15, 1914, c. 252, 39 Stat 691, amended only "subsections (b) and (c)" of the section, including (apparently) in subsection c all of the matter in the section to the end thereof The amendment of this section by Act Sept. 26, 1918, c. 177, § 4, cited above, amended "paragraphs (b) and (c)" of this section "to read as follows"—including in the amendment, paragraphs b and c as set forth in the text above, down to the matter included in brackets. In view of the amendment by Act Aug 15, 1914, c 252, which included in paragraph c the remainder of the section it becomes a question of construction as to whether or not Congress intended, by its last amendment to omit the matter included in the brackets. Accordingly such matter has been inserted here as a part of the section as last amended, inclosing in brackets that portion of the section which may or may not be suspended by the last amendment.

Chapter Four—Dissolution and Receivership

§ 9833. Loans to bank examiners; fees to examiners or directors—(a) No member bank and no officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as a national bank examiner

(b) No national bank examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress, or of either House duly authorized. Any bank examiner violating the provisions of this subsection shall be imprisoned not more than one year or fined not more than $5,000, or both.

(c) Except as herein provided, any officer, director, employee, or attorney of a member bank who stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value from any person, firm, or corporation, for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation, any loan from or the purchase or discount of any paper, note, draft, check or bill of exchange by such member bank shall be deemed guilty of a misdemeanor and shall be imprisoned not more than one year or fined not more than $5,000, or both.

(d) Any member bank may contract for, or purchase from, any of its directors or from any firm of which any of its directors is a member, any securities or other property, when (and not otherwise) such purchase is made in the regular course of business upon terms not less favorable to the bank than those offered to others, or when such purchase is authorized by a majority of the board of directors not interested in the sale of such securities or property, such authority to be evidenced by the affirmative vote or written assent of such directors: Provided, however, That when any director, or firm of which any director is a member, acting for or on behalf of others, sells securities or other property to a member bank, the Federal Reserve Board by regulation may, in any or all cases, require a full disclosure to be made, on forms to be prescribed by it, of all commissions or other considerations received, and whenever such director or firm, acting in his or its own behalf, sells securities or other property to the bank the Federal Reserve Board, by regulation, may require a full disclosure of all profit realized from such sale.

Any member bank may sell securities or other property to any of its directors, or to a firm of which any of its directors is a member, in the regular course of business on terms not more favorable to such director or firm than those offered to others, or when such sale is authorized by a majority of the board of directors of a member bank to be evidenced by their affirmative vote or written assent: Provided, however, That nothing in this subsection contained shall be construed as authorizing member banks to purchase

or sell securities or other property which such banks are not otherwise authorized by law to purchase or sell

(e) No member bank shall pay to any director, officer, attorney, or employee a greater rate of interest on the deposits of such director, officer, attorney, or employee than that paid to other depositors on similar deposits with such member bank

(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation (Dec. 23, 1913, c. 6, § 22, 38 Stat. 272, amended, June 21, 1917, c. 32, § 11, 40 Stat 240, and Sept 26, 1918, c. 177, § 5, 40 Stat. 970)

This section was again amended by Act Sept. 24, 1918, c. 177, § 5, cited above to read as set forth above Prior to this amendment said section read as follows "No member bank or any officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given. Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000 or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as a national-bank examiner No national-bank examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

"Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank Provided, however, That nothing in this Act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such bank And provided further, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least a majority of the members of the board of directors of such member bank

"No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress or of either House duly authorized. Any person violating any provision of this section shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year or both

"Except as provided in existing laws, this provision shall not take effect until sixty days after the passage of this Act."

TITLE LXII A—FEDERAL FARM LOANS

The provisions of the Federal Farm Loan Act, and amendatory and supplementary acts, are extended to the Territory of Hawaii by Act March 10, 1924, c 46, § 2, ante, § 8746b¾.

TITLE I—FEDERAL FARM LOANS

§ 9835a. Short title of act; administration by Federal Farm Loan Board—This Act may be cited as the "Federal Farm Loan Act" Its administration shall be under the direction and control of the Federal Farm Loan Board hereinafter created (July 17, 1916, c. 245, § 1, 39 Stat 360, amended, March 4, 1923, c. 252, title I, § 1, 42 Stat. 1454)

This amendatory section also adds Title I to the Federal Farm Loan Act, as set forth above See, also, post, note to § 9835¼

FEDERAL FARM LOAN BOARD

§ 9835b. (1) Federal Farm Loan Bureau; supervision by Federal Farm Loan Board—There shall be established at the seat of government in the Department of the Treasury a bureau charged with the execution of this Act and of all Acts amendatory thereof, to be known as the Federal Farm Loan Bureau, under the general supervision of a Federal Farm Loan Board

(2) Federal Farm Loan Board; members; appointment; salaries; terms of office; traveling expenses—Said Federal Farm Loan Board shall consist of seven members, including the Secretary of the Treasury, who shall be a member and chairman ex officio, and six members to be appointed by the President of the United States, by and with the advice and consent of the Senate Of the six members to be appointed by the President, not more than three shall be appointed from one political party, and all six of said members shall be citizens of the United States and shall devote their entire time to the business of the Federal Farm Loan Board; they shall receive an annual salary of $10,000 payable monthly, together with actual necessary traveling expenses One of the additional members of the Federal Farm Loan Board, hereby provided for, shall be appointed for a term expiring August 6, 1929, and one for a term expiring August 6, 1931, and thereafter the terms of all members of the Federal Farm Loan Board shall be as in this section otherwise provided for.

This paragraph was amended by Act March 4, 1923, c 252, title III, § 301, to read as set forth above

(3) Same; terms of office; oath; Farm Loan Commissioner—One of the members to be appointed by the President shall be designated by him to serve for two years, one for four years, one for six years, and one for eight years, and thereafter each member so appointed shall serve for a term of eight years, unless sooner removed for cause by the President. One of the members shall be designated by the President as the Farm Loan Commissioner, who shall be the active executive officer of said board. Each member of the Federal Farm Loan Board shall within fifteen days after notice of his appointment take and subscribe to the oath of office.

(4) Same; first meeting—The first meeting of the Federal Farm Loan Board shall be held in Washington as soon as may be after the passage of this Act, at a date and place to be fixed by the Secretary of the Treasury.

(5) Same; holding office or directorship in certain institutions prohibited—No member of the Federal Farm Loan Board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal Farm Loan Board each member shall certify under oath to the President that he is eligible under this section

(6) Same; filling vacancies—The President shall have the power, by and with the advice and consent

of the Senate, to fill any vacancy occurring in the membership of the Federal Farm Loan Board, if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire at the end of the next session

(7) Farm loan registrars, land bank appraisers and land bank examiners; appointment—The Federal Farm Loan Board shall appoint a farm loan registrar in each land bank district to receive applications for issues of farm loan bonds and to perform such other services as are prescribed by this Act, and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office. It shall also appoint one or more land bank appraisers for each land bank district and as many land bank examiners as it shall deem necessary. Farm loan registrars, deputy registrars, land bank appraisers, and land bank examiners appointed under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land mortgage loans or selling land mortgages Provided, That this limitation shall not apply to persons employed by the board temporarily to do special work.

This paragraph was amended by Act April 20, 1920, c 154, § 1, cited above, by adding after the word "Act" the words "and may appoint a deputy registrar who shall during the unavoidable absence or disability of the registrar perform the duties of that office" and also by adding after "registrars," the words "Deputy registrars," so as to make the paragraph read as set forth above

(8) Salaries payable by Federal and joint-stock land banks; compensation of land bank appraisers—The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this Act, or any subsequent amendments thereof, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks, as follows.

The Federal Farm Loan Board shall, prior to the first days of January and July of each year, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm loan registrars and deputy registrars, examiners, and reviewing appraisers, and apportion the same among the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank, and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st days of January and July next ensuing The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States under the miscellaneous receipts title "Assessments on Federal and joint-stock land banks and Federal intermediate credit banks, salaries and expenses Federal Farm Loan Board," to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress: Provided, That the present legal status as to assessments against Federal intermediate credit banks shall continue until June 30, 1926, without appropriations by Congress.

If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Federal Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next six months' period when assessment is made for such period.

Federal land bank appraisers, and appraisers or inspectors of Federal intermediate credit banks, shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks they serve, in such proportion and in such manner as the Federal Farm Loan Board shall order.

This paragraph was amended by Act March 4, 1923, c 252, title III, § 302, 42 Stat 1473, to read as follows

"The salaries and expenses of the Federal Farm Loan Board and farm loan registrars and examiners authorized under this section shall, after June 30, 1923, be paid by the Federal and joint-stock land banks in proportion to their gross assets, as follows

"The Federal Farm Loan Board shall, prior to June 30, 1923, and each six months thereafter, estimate the expenses and salaries of the Federal Farm Loan Board, its officers and employees, farm loan registrars, deputy registrars, the examiners and reviewing appraisers, and apportion the same among the Federal and joint-stock land banks in proportion to their gross assets at the time of such apportionment and make an assessment upon each of such banks pursuant to such apportionment, payable on the 1st of July or January next ensuing. The funds collected pursuant to such assessments shall be deposited with the Treasurer of the United States to be disbursed in payment of such salaries and expenses on appropriations duly made by Congress for such purpose

"If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Federal Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal and joint-stock land banks upon the same basis as the original assessment If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next ensuing six months' period when assessment is made for such period Land bank appraisers shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks and the joint-stock land banks which they serve in such proportion and in such manner as the Federal Farm Loan Board shall order"

It was again amended by Act March 4, 1925, c 524, § 3, 43 Stat 1263, to read as set forth above Section 8 of said Act March 4, 1925, c 524, repeals all inconsistent acts or parts of acts.

(9) Attorneys, experts and other employees; employment; salaries and fees—The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the Act of January 16, 1883 (22 Stat. 403), and amendments thereto, or any rule or regulation made in pursuance thereof and may be classified without regard to the Classification Act of 1923. Provided, That nothing herein shall prevent the President from placing said employees in the classified service.

This paragraph was amended by Act March 4, 1925, c. 524, § 4, 43 Stat 1263, to read as set forth above. Section 8 of said Act March 4, 1925, c. 524, repeals all inconsistent acts or parts of acts

(10) Semiannual statements of federal land banks of salaries paid officers and employees—Every Federal land bank shall semiannually submit to the Federal Farm Loan Board a schedule showing the salaries or rates of compensation paid to its officers and employees.

(11) Annual report of Federal Farm Loan Board—The Federal Farm Loan Board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

(12) Examinations and reports of condition of federal land bank; appraisals of farm land; amortization tables—The Federal Farm Loan Board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this Act and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this Act, and shall prepare and publish amortization tables which shall be used by national farm loan associations and land banks organized under this Act

(13) Statements of condition of national farm loan associations and federal land banks—The Federal Farm Loan Board shall prescribe a form for the statement of condition of national farm loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board

(14) Bulletins and circulars—It shall be the duty of the Federal Farm Loan Board to prepare from time to time bulletins setting forth the principal features of this Act and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this Act, instructing farmers how to organize and conduct farm loan associations, and advising investors of the merits and advantages of farm loan bonds; and to disseminate in its discretion information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board is hereby authorized to use a reasonable portion of the organization fund provided in section thirty-three of this Act for the object specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects (July 17, 1916, c 245, § 3, 39 Stat 360, amended, April 20, 1920, c 154, § 1, 41 Stat 570, March 4, 1923, c. 252, title III, §§ 301, 302, 42 Stat. 1473, and March 4, 1925, c. 524, §§ 3, 4, 43 Stat 1262, 1263.)

FEDERAL LAND BANKS

§ 9835bb. (1) Federal land bank districts; boundaries—As soon as practicable the Federal Farm Loan Board shall divide the continental United States, excluding Alaska, into twelve districts, which shall be known as Federal land bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm loan needs of the country, but no such district shall contain a fractional part of any State. The boundaries thereof may be readjusted from time to time in the discretion of said board.

(2) Establishment of federal land banks; titles of banks; branches; act extended to Porto Rico and Alaska; loans by branches—The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this Act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico, and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska Loans made by each such branch bank shall not exceed the sum of $10.000 to any one borrower and shall be subject to the restrictions and provisions of this Act, except that each such branch bank may loan direct to borrowers, and subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per centum in excess of the rate borne by the last preceding issue of farm loan bonds of the Federal land bank with which such branch bank is connected Provided, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years.

It was again amended by Act March 4, 1923, c. 252, title III, § 303, 42 Stat. 1474, to read as set forth above This paragraph was amended by Act Feb 27, 1921, c 78, to read as follows

"The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate Each Federal land bank shall include in its title the name of the city in which it is located Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this Act are extended to the island of Porto Rico, and such Federal land bank as may be designated by the Federal Farm Loan Board, is hereby authorized to establish a branch bank at such point as the Federal Farm Loan Board may direct on the island of Porto Rico. Loans made by such branch bank, when so established, shall not exceed the sum of $5,000 to any one borrower and shall be subject to the restrictions and provisions of this Act, except that such branch bank may loan direct to borrowers, and subject to such regulations as the Federal Farm Loan Board may prescribe the rate charged borrowers may be 1½ per centum in excess of the rate borne by the last preceding issue of farm loan bonds of the Federal land bank with which such branch bank is connected Provided, however, That no loans shall be made in the island of Porto Rico to run for a longer term than twenty years

"Each borrower through such branch bank shall subscribe and pay for stock in the Federal land bank with which it is connected in the sum of $5 for each $100 or fraction thereof borrowed, such stock shall be held by such Federal land bank as collateral security for the loan of the borrower; shall participate in all dividends, and upon full payment of the loan shall be canceled at par and proceeds paid to borrower or the borrower may apply the same to the final payments on his loan"

(3) Temporary directors; number; qualifications; bonds; president, vice-president, secretary, and treasurer; attorneys—Each Federal land bank shall be temporarily managed by five directors appointed by the Federal Farm Loan Board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal Farm Loan Board shall fix. They shall choose from their number, by majority vote, a president, a vice president, a secretary and a treasurer They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal Farm Loan Board

(4) Contents of organization certificates—Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state

(a) Name of bank—First. The name assumed by such bank

(b) District of operations, and city of location—Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

(c) Amount of capital stock and number of shares; increase of stock—Third. The amount of

capital stock and the number of shares into which the same is to be divided: Provided, That every Federal land bank organized under this Act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm loan associations and stockholders who may secure loans through agents of Federal land banks in accordance with the provisions of this Act.

(d) Purpose of making of certificate; acknowledgment and recording—Fourth The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Act. The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the Farm Loan Commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection

(5) Changes in organization certificate—The Federal Farm Loan Board is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this Act, as it may deem necessary or expedient.

(6) Time of commencement of corporate existence of federal land banks; powers enumerated—Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

(a) Corporate seal—First. To adopt and use a corporate seal.

(b) Corporate succession—Second. To have succession until it is dissolved by Act of Congress or under the provisions of this Act.

(c) Contracts—Third. To make contracts.

(d) Suits by and against—Fourth. To sue and be sued, complain, interplead, and defend, in any court of law or equity, as fully as natural persons.

(e) Election of directors or president—Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them, and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

(f) By-laws—Sixth To prescribe, by its board of directors, subject to the supervision and regulation of the Federal Farm Loan Board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

(g) Incidental powers—Seventh To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

(7) Time of election of directors of federal land banks—After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter authorized, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

(8) Directors of federal land banks; number and qualifications; local directors and district directors; election and appointment—The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members Three of said directors shall be known as local directors and shall be chosen by and be representative of national farm-loan associations, and borrowers through agencies, three shall be known as district directors and shall be appointed by the Federal Farm Loan Board and represent the public interest. The term of office of local and district directors shall be three years

This paragraph, and paragraphs (9), (10), (11), (12), (13), and (14) of this section were amended by Act March 4, 1923, c 252, title III, § 304, 42 Stat 1474, to read as set forth above, and post paragraphs numbered (9), (10), (11), (12), and (13)

(9) Divisions of land bank districts; local directors of divisions; nomination of candidates—Within 30 days from the date of passage of the Agricultural Credits Act of 1923 and thereafter, at least two months before each election, the Federal Farm Loan Board shall divide each land bank district into three divisions, as nearly equal as possible, according to number of borrowers and the voting strength of national farm-loan associations and borrowers through agencies, and the Farm Loan Commissioner shall thereupon notify each association and agency in writing that an election is to be held for one local director from each of said divisions and requesting each association and agency to nominate one candidate for each division. Within ten days of receipt of such notice each national farm-loan association and borrower through agencies shall forward nominations of residents of their respective divisions for one director for such division to said Farm Loan Commissioner. The Farm Loan Commissioner shall then prepare a list of candidates for local directors, consisting of the ten persons receiving the highest number of votes from national farm-loan associations and borrowers through agencies for each division.

See note to paragraph (8) of this section, ante.

(10) Local directors of divisions; election from candidates—At least one month before said election the Farm Loan Commissioner shall mail to each national farm-loan association and to each borrower through agencies the list of candidates for their respective divisions. The directors of each national farm-loan association shall cast the vote of said association for one of the candidates on said list and shall forward said vote to the said Farm Loan Commissioner within ten days after said list of candidates is received. In voting under this section each association shall be entitled to cast a number of votes equal to the total voting strength of the stockholders in association meetings, and each borrower through agencies shall be entitled to cast one vote for each share of stock held by him in the Federal land bank not exceeding twenty shares, and shall forward said vote to the said Farm Loan Commissioner within ten days after said list of candidates is received. The candidate receiving the highest number of votes in his division shall be declared elected as local director of the Federal land bank district from his division. In case of a tie, the Farm Loan Commissioner shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective associations and borrowers through agencies for such candidates, as counted, shall be tabulated and preserved, subject to examination by any candidate, for at least one year after the result of the election is announced.

See note to paragraph (8) of this section, ante.

(11) District directors; appointment; terms of office; vacancies, how filled; director at large; election, term of office; vacancies, how filled—The Federal Farm Loan Board shall designate one of the district directors to serve until December 31, 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926 After their first appointment each district director shall be appointed for a term of three years At the first regular meeting of the board of directors of each Federal land bank the local directors shall designate one of their members to serve till December 31 1924, one to serve till December 31, 1925, and one to serve till December 31, 1926 Thereafter each local director shall be chosen as hereinbefore provided and shall hold office for a term of three years Any vacancies that may occur in the board of directors shall be filled for the unexpired term in the manner provided herein for the original selection of such directors At the same time that the associations and borrowers through agencies nominate the candidates for the local directors, each association and each borrower through agencies shall also nominate one candidate for director at large for the entire district, and from the three persons having the greatest number of votes for nominee for director at large, the Federal Farm Loan Board shall select a director at large, whose term of office shall terminate on the 31st day of December, 1925, and every three years thereafter Such seventh director may be removed by the Federal Farm Loan Board for neglect of duty, incapacity for the work, or malfeasance in office, after charges duly preferred and a hearing had thereon, and in such cases the associations of the district shall in like manner nominate candidates for another director at large, to fill the vacancy, for whom the Federal Farm Loan Board shall in same manner select a successor, but any person who is removed can not be nominated to succeed himself The board of directors thus selected shall, upon qualification, immediately take over the management of each bank

See note to paragraph (8) of this section, ante

(12) Qualifications of directors—Directors of Federal land banks shall have been, for at least two years, residents of the district for which they are appointed or elected, and a local director shall be a resident of his division when elected. No district director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans.

See note to paragraph (8) of this section, ante

(13) Expenses of directors; approval by Board of compensation of directors and officers of land banks—Directors of the Federal land bank shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their boards, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of the Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal Farm Loan Board. (July 17, 1916, c 245, § 4, 39 Stat. 362, amended, Feb 27, 1921, c. 78, 41 Stat. 1148, and March 4, 1923, c. 252, title III, §§ 303, 304, 42 Stat. 1474)

See note to paragraph (8) of this section, ante.

NATIONAL FARM LOAN ASSOCIATIONS

§ 9835d. (1) Purposes of organization; articles of association; contents; signature to; copies for Federal land banks—Corporations, to be known as national farm loan associations, may be organized by persons desiring to borrow money on farm mortgage security under the terms of this Act. Such persons shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office

(2) Directors; secretary-treasurer; president; vice-president; loan committee—Every national farm loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who shall hold office for the same period as directors of national banking associations. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine The board of directors shall elect a president, a vice president, and a loan committee of three members.

(3) Compensation and qualifications of directors—The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal Farm Loan Board All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association.

(4) Secretary-treasurer; powers and duties; bond; reports—It shall be the duty of the secretary-treasurer of every national farm loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage as in this Act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association It shall be the duty of the secretary-treasurer, acting under the direction of the national farm loan association, to collect, receipt for, and transmit to the Federal land bank payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal Farm Loan Board for the proper performance of the duties imposed upon him under this Act, which shall cover prompt collection and transmission of funds He shall make a quarterly report to the Federal Farm Loan Board upon forms to be provided for that purpose. Upon request from said board said secretary-treasurer shall furnish information regarding the condition of the national farm loan association for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mort-

gaged to said bank and the name of the delinquent. No such secretary-treasurer shall engage in the making of land mortgage loans eligible at a Federal land bank through or for any other land mortgage company or agency, and the making of any such loan by any secretary-treasurer shall forthwith work a forfeiture of his office

This paragraph was amended by Act March 4, 1923, c 252, title III, § 305, 42 Stat 1476, by adding at the end thereof the last sentence as set forth above

(5) Expenses of secretary-treasurer; payment—The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm loan associations, and the salary of the secretary-treasurer, shall be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of six per centum per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment

(6) Number of incorporators; mode of organization; number of directors; secretary and treasurer or secretary-treasurer—Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section twelve of this Act, may unite to form a national farm loan association They shall organize subject to the requirements and the conditions specified in this section and in section four of this Act, so far as the same may be applicable Provided, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association.

(7) Articles of association; report and affidavit accompanying; contents—When the articles of association are forwarded to the Federal land bank of the district as provided in this section, they shall be accompanied by the written report of the loan committee as required in section ten of this Act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section twelve of this Act as the basis of a mortgage loan; that the loan desired by each person is not more than $10,000, nor less than $100, and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to five per centum of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post office address.

(8) Investigation of solvency of applicants for incorporation; grant or refusal of charter—Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal Farm Loan Board with their recommendation If said recommendation is unfavorable, the charter shall be refused

(9) Grant or refusal of charter—If said recommendation is favorable, the Federal Farm Loan Board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank Provided, That said Federal Farm Loan Board may for good cause shown in any case refuse to grant a charter

(10) Loans to associations from federal land banks—Upon receipt of its charter such national farm loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this Act

(11) Loans to members; subscriptions to stock of land banks; holding stock as collateral for loan; retirement of stock—Whenever any national farm loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of five per centum of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding Such stock may, in the discretion of the directors, and with the approval of the Federal Farm Loan Board, be paid off at par and retired, and it shall be so paid off and retired upon full payment of the mortgage loan In such case the national farm loan association shall pay off at par and retire the corresponding shares of its stock which were issued when said land bank stock was issued.

(12) Reduction of capital stock of federal land banks—The capital stock of a Federal land bank shall not be reduced to an amount less than five per centum of the principal of the outstanding farm loan bonds issued by it (July 17, 1916, c 245, § 7, 39 Stat 365, amended, March 4, 1923, c. 252, title III, § 305, 42 Stat. 1476)

APPRAISAL

§ 9835ee. (1) Appraisal of land offered as security for loan by loan committee; report; approval of loan by directors—Whenever an application for a mortgage loan is made through a national farm loan association, the loan committee provided for in section 7 of this Act, shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered, and cause written report to be made of the result of such investigation, and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report is favorable, and the loan committee is unanimous in its approval thereof.

The written report required in the preceding paragraph shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass on the loan application which it accompanies, but they shall not be bound by said appraisal.

This paragraph was amended by Act April 20, 1920, c 154, § 2, to read as set forth above. Prior to this amendment this paragraph read as follows: "Whenever an application for a mortgage loan is made to a national farm loan association, it shall be first referred to the loan committee provided for in section seven of this Act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written

report signed by all three members, giving the appraisal of said land as determined by them, and such other information as may be required by rules and regulations to be prescribed by the Federal Farm Loan Board No loan shall be approved by the directors unless said loan committee agrees upon a favorable report"

(2) Report submitted to directors of bank—The written report of said loan committee shall be submitted to the Federal land bank, together with the application for the loan, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

(3) Reference of applications for loan to appraisers; investigation and report—Before any mortgage loan is made by any Federal land bank, or joint stock land bank, it shall refer the application and written report of the loan committee to one or more of the land bank appraisers appointed under the authority of section three of this Act, and such appraiser or appraisers shall investigate and make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

(4) Forms for reports—Forms for appraisal reports for farm loan associations and land banks shall be prescribed by the Federal Farm Loan Board.

(5) Examinations by appraisers as to farm loan bonds and first mortgages—Land bank appraisers shall make such examinations and appraisals and conduct such investigations, concerning farm loan bonds and first mortgages, as the Federal Farm Loan Board shall direct.

(6) Borrowers as appraisers or members of loan committees—No borrower under this Act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan, a majority of the board of directors of any national farm loan association shall appoint a substitute to act in his place in passing upon such loan. (July 17, 1916, c. 245, § 10, 39 Stat. 369, amended, April 20, 1920, c. 154, § 2, 41 Stat. 570)

POWERS OF NATIONAL FARM LOAN ASSOCIATIONS

§ 9835f. Enumerated powers—Every national farm loan association shall have power.

(a) Indorsing mortgages—First To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

(b) Receiving advances from banks and loaning to shareholders—Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section twelve of this Act.

(c) Fixing charges for applications for loans—Third. To fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: Provided, That such charges shall not exceed amounts to be fixed by the Farm Loan Board, and shall in no case exceed 1 per centum of the amount of the loan applied for; to acquire and dispose of property, real and personal, that may be necessary or convenient for the transaction of its business.

This paragraph was amended by Act April 20, 1920, c. 154, § 3, to read as set forth above Prior to this amendment this paragraph read as follows. "Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business."

(d) Issuing interest bearing certificates against deposits of current funds—Fourth. To issue certificates against deposits of current funds bearing interest for not longer than one year at not to exceed four per centum per annum after six days from date, convertible into farm loan bonds when presented at the Federal land bank of the district in the amount of $25 or any multiple thereof Such deposits, when received, shall be forthwith transmitted to said land bank, and be invested by it in the purchase of farm loan bonds issued by a Federal land bank or in first mortgages as defined by this Act. (July 17, 1916, c. 245, § 11, 39 Stat 369, amended, April 20, 1920, c. 154, § 3, 41 Stat. 570.)

RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES

§ 9835ff. (1) Restrictions enumerated—No Federal land bank organized under this Act shall make loans except upon the following terms and conditions.

(a) Security by first mortgage—First. Said loans shall be secured by duly recorded first mortgages on farm land within the land bank district in which the bank is situated.

(b) Agreement in mortgage for repayment on amortization plan—Second Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding 1 per centum per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than forty years. Provided, That after five years from the date upon which a loan is made the mortgagor may, upon any regular installment date, make, in advance, any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under the rules and regulations of the Federal Farm Loan Board: And provided further, That before the first issues of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this Act.

This paragraph was amended by Act April 20, 1920, c 154, § 4, cited above, by striking out the words "additional payments in sums of $25, or any multiple thereof for the reduction of the principal, or the payment of the entire principal, may be made on any regular installment date," and inserting in lieu thereof the words "the mortgagor may, upon any regular installment date, make in advance any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan," so as to make the paragraph read as set forth above.

(c) Maximum interest rate—Third. No loan on mortgage shall be made under this Act at a rate of interest exceeding six per centum per annum, exclusive of amortization payments.

(d) Purposes of loans enumerated—Fourth. Such loans may be made for the following purposes and for no other

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and

reasonable operation of the mortgaged farm; the term "equipment" to be defined by the Federal Farm Loan Board

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal Farm Loan Board

(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to January 1, 1922

This paragraph was also amended by Act April 20, 1920, c 154, § 4, to read as follows.

"Fourth Such loans may be made for the following purposes and for no other

"(a) To provide for the purchase of land for agricultural uses

"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm, the term 'equipment' to be defined by the Federal Farm Loan Board

"(c) To provide buildings and for the improvement of farm lands, the term 'improvement' to be defined by the Federal Farm Loan Board

"(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to the organization of the first Farm Loan Association established in and for the county in which the land is situated"

It was again amended by Act March 4, 1923, c 252, title III, § 306, to read as set forth above

(e) Limitation on amount of loans; basis of appraisal; reappraisal—Fifth No such loan shall exceed fifty per centum of the value of the land mortgaged and twenty per centum of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section ten of this Act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a principal factor.

A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

(f) Persons to whom loans may be made; sale of mortgaged lands; death of mortgagor—Sixth. No such loans shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the Federal land bank may permit said mortgage and the stock interests of the vendor to be assumed by the purchaser. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within sixty days of such death, to assume the mortgage and stock interests of the deceased.

(g) Maximum of loans to one borrower; minimum of loans—Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of $25,000, nor shall any one loan be for a less sum than $100, but preference shall be given to applications for loans of $10,000 and under.

This paragraph was amended by Act March 4, 1923, c. 252, title III, § 307, 42 Stat. 1476, to read as set forth above

(h) Form of applications for loans—Eighth. Every applicant for a loan under the terms of this Act shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

(i) Simple interest on defaulted payments; payment of taxes and liens; insurance—Ninth. Every borrower shall pay simple interest on defaulted payments at the rate of eight per centum per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged. Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at the rate of eight per centum per annum Every borrower shall undertake to keep insured to the satisfaction of the Federal Farm Loan Board all buildings the value of which was a factor in determining the amount of the loan Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and at the option of the mortgagor and subject to general regulations of the Federal Farm Loan Board, sums so received may be used to pay for reconstruction of the buildings destroyed.

(j) Agreement by borrowers as to use of loans—Tenth Every borrower who shall be granted a loan under the provisions of this Act shall enter into an agreement, in form and under conditions to be prescribed by the Federal Farm Loan Board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition or covenant of the mortgage, the whole of said loan shall, at the option of the mortgagee, become due and payable forthwith. Provided, That the borrower may use part of said loan to pay for his stock in the farm loan association, and the land bank holding such mortgage may permit said loan to be used for any purpose specified in subsection fourth of this section.

(k) Loans not invalidated by unauthorized acts by banks or associations—Eleventh That no loan or the mortgage securing the same shall be impaired or invalidated by reason of the exercise of any power by any Federal land bank or national farm loan association in excess of the powers herein granted or any limitations thereon.

(2) Loans to be current funds or farm loan bonds—Funds transmitted to farm loan associations by Federal land banks to be loaned to its members shall be in current funds, or farm loan bonds, at the option of the borrower. (July 17, 1916, c. 245, § 12, 39 Stat. 370, amended, April 20, 1920, c. 154, § 4, 41 Stat. 570, and March 4, 1923, c. 252, title III, §§ 306, 307, 42 Stat. 1476.)

§ 9835fff. Mortgages on farm lands under United States reclamation projects notwithstanding liens for construction or other charges—The term "first mortgage," as used in section 12 of the Federal Farm Loan Act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto, known as the reclamation law: Provided, That such lands are otherwise eligible for loans under the Federal Farm Loan Act: And provided further, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes. (May 15, 1922, c. 190, § 3, 42 Stat. 542.)

This section is part of § 3 of an act entitled "An act to provide for the application of the reclamation law to irrigation districts," cited above. For §§ 1 and 2 and the remainder of § 3 of said act see ante, §§ 4748a-4748c.

JOINT STOCK LAND BANKS

§ 9835hh. (1) Power to organize; manner of organization; number of directors—Corporations,

to be known as joint stock land banks, for carrying on the business of lending on farm mortgage security and issuing farm loan bonds, may be formed by any number of natural persons not less than ten. They shall be organized subject to the requirements and under the conditions set forth in section four of this Act, so far as the same may be applicable: Provided, That the board of directors of every joint stock land bank shall consist of not less than five members.

(2) Individual liability of shareholders—Shareholders of every joint stock land bank organized under this Act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares

(3) Powers, duties, and liabilities; stock—Except as otherwise provided, joint stock land banks shall have the powers of, and be subject to all the restrictions and conditions imposed on, Federal land banks by this Act, so far as such restrictions and conditions are applicable: Provided, however, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

(4) Limitation on amount of issue of bonds; transacting banking business—No joint stock land bank shall have power to issue or obligate itself for outstanding farm loan bonds in excess of fifteen times the amount of its capital and surplus, or to receive deposits or to transact any banking or other business not expressly authorized by the provisions of this Act

(5) Subscribed capital stock required—No joint stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed, one-half thereof paid in cash and the balance subject to call by the board of directors, and a charter has been issued to it by the Federal Farm Loan Board.

(6) Issuing bonds before payment of stock—No joint stock land bank shall issue any bonds until after the capital stock is entirely paid up.

(7) Form of bonds—Farm loan bonds issued by joint stock land banks shall be so engraved as to be readily distinguished in form and color from farm loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal Farm Loan Board shall direct.

(8) Interest rates; restrictions on mortgage loans—Joint stock land banks shall not be subject to the provisions of subsection (b) of section seventeen of this Act as to interest rates on mortgage loans or farm loan bonds, nor to the provisions of subsections first, fourth, sixth, seventh, and tenth of section twelve as to restrictions on mortgage loans: Provided, however, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint stock land bank has its principal office, or within some one State contiguous to such State. Such joint stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section twelve of this Act.

(9) Same; increase—Joint stock land banks shall in no case charge a rate of interest on farm loans exceeding by more than one per centum the rate of interest established for the last series of farm loan bonds issued by them.

(10) Unauthorized commissions or charges—Joint stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this Act.

(11) Bonds; power to issue; form and contents—Each joint stock land bank organized under this Act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this Act. Such bonds shall be in form prescribed by the Federal Farm Loan Board, and it shall be stated in such bonds that such bank is organized under section sixteen of this Act, is under Federal supervision, and operates under the provisions of this Act.

(12) Voluntary liquidation—Any joint-stock land bank organized and doing business under the provisions of this Act may go into voluntary liquidation by making provision, to be approved by the Federal Farm Loan Board, for the payment of its liabilities: Provided, That such method of liquidation shall have been duly authorized by a vote of at least two-thirds of the shareholders of such joint-stock land bank at a regular meeting, or at a special meeting called for that purpose, of which at least ten days' notice in writing shall have been given to stockholder.

This paragraph was added to this section by Act May 29, 1920, c 215, cited above

(13) Same; powers of Federal land bank—For the purpose of assisting in any such liquidation authorized as in the preceding paragraph provided, any Federal land bank or joint-stock land bank may, with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of any joint-stock land bank, and in such transaction any Federal land bank may waive the provisions of this Act requiring such bank to acquire its loans only through national farm loan associations or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans No Federal land bank shall assume the obligations of any joint-stock land bank in such manner as to make its outstanding obligations more than twenty times its capital stock except by creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed No joint-stock land bank shall assume the obligations of any other joint-stock land bank in such manner as to make its outstanding obligations more than fifteen times the amount of its capital and surplus, except by creation of a special reserve equal to one-fifteenth of the amount of such additional obligations assumed. (July 17, 1916, c. 245, § 16, 39 Stat 374, amended, May 29, 1920, c. 215, 41 Stat. 691, and March 4, 1925, c. 524, § 5, 43 Stat. 1263.)

This paragraph, and par (14) were added to this section by Act May 29, 1920, c 215, to read as follows.

"For the purpose of assisting in any such liquidation duly authorized as in the preceding paragraph provided, any Federal land bank may, with the approval of the Federal Farm Loan Board, acquire the assets and assume the liabilities of any joint stock land bank, and in such transaction may waive the provisions of this Act requiring such land bank to acquire its loans only through national farm loan associations, or agents, and those relating to status of borrower, purposes of loan, and also the limitation as to the amount of individual loans

"No Federal land bank shall assume the obligations of any joint-stock land bank, in such manner as to make its outstanding obligations more than twenty times its capital stock, except by the creation of a special reserve equal to one-twentieth of the amount of such additional obligations assumed."

These two paragraphs were stricken out by Act March 4, 1925, c. 524, § 5, cited above, and paragraph numbered (13) inserted in lieu thereof by said Act March 4, 1925, c. 524, § 5, as set forth above Section 8 of said Act March 4, 1925, c. 524, repeals all inconsistent acts or parts of acts

FORM OF FARM LOAN BONDS

§ 9835k. (1) Denominations; minimum and maximum periods; interest coupons; rates of in-

terest—Bonds provided for in this Act shall be issued in denominations of $40, $100, $500, $1,000, and such larger denominations as the Federal Farm Loan Board may authorize, they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after the minimum period specified in the bonds, which shall not be longer than ten years from the date of their issue They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal Farm Loan Board They shall bear a rate of interest not to exceed 5½ per centum per annum, but no bonds issued or sold after June 30, 1923, shall bear a rate of interest to exceed 5 per centum per annum

(2) Rules and regulations as to payment—The Federal Farm Loan Board shall prescribe rules and regulations concerning the circumstances and manner in which farm loan bonds shall be paid and retired under the provisions of this Act

(3) Delivery to banks—Farm loan bonds shall be delivered through the registrar of the district to the bank applying for the same.

(4) Preparation; custody of plates and dies; expenses of preparation; exchange for registered bonds; reexchange for coupons—In order to furnish farm loan bonds for delivery at the Federal land banks and joint stock land banks, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this Act, as the Federal Farm Loan Board may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the Federal Farm Loan Board The engraved plates, dies, bed-pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury Any expenses incurred in the preparation, custody, and delivery of such farm loan bonds shall be paid by the Secretary of the Treasury from any funds in the Treasury not otherwise appropriated: Provided, however, That the Secretary shall be reimbursed for such expenditures by the Federal Farm Loan Board through assessment upon the farm land banks in proportion to the work executed. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal Farm Loan Board (July 17, 1916, c. 245, § 20, 39 Stat. 377, amended, April 20, 1920, c. 154, § 5, 41 Stat. 571, March 4, 1921, c 151, 41 Stat 1362, and Aug. 13, 1921, c. 63, 42 Stat. 159.)

This paragraph was amended by Act April 20, 1920, c 154, § 5, cited above, by striking out the figures and signs "$25" and "$50," and inserting in lieu thereof the figures and sign "$50," and by adding the words "and such larger denominations as the Federal Farm Loan Board may authorize." It was again amended by Act March 4, 1921, c 151, cited above, to read as follows "Bonds provided for in this Act shall be issued in denominations of $40, $100, $500, $1,000, and such larger denominations as the Federal Farm Loan Board may authorize; they shall run for specified minimum and maximum periods, subject to payment and retirement, at the option of the land bank, at any time after the minimum period specified in the bonds, which shall not be longer than ten years from the date of their issue They shall have interest coupons attached, payable semiannually, and shall be issued in series of not less than $50,000, the amount and terms to be fixed by the Federal Farm Loan Board They shall bear a rate of interest not to exceed 5 per centum per annum" It was again amended by Act Aug. 13, 1921, c 63, cited above, to read as set forth above

SPECIAL PROVISIONS OF FARM LOAN BONDS

§ 9835l. (1) Farm loan bonds; banks bound by acts of officers and Board in issue of—Each land bank shall be bound in all respects by the acts of its officers in signing and issuing farm loan bonds and by the acts of the Federal Farm Loan Board in authorizing their issue.

(2) Same; liability of banks—Every Federal land bank issuing farm loan bonds shall be primarily liable therefor, and shall also be liable, upon presentation of farm loan bond coupons, for interest payments due upon any farm loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed Provided, That such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent land banks liable therefor in proportion to the amount of farm loan bonds which each may have outstanding at the time of such assessment

(3) Same; record on minutes—Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm loan bonds as provided in this section.

(4) Same; signing and attesting; certificate to—Every farm-loan bond issued by a Federal land bank shall be signed by its president or vice president and attested by its secretary or assistant secretary For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors; such bonds shall also contain in the face thereof a certificate signed by the Farm Loan Commissioner to the effect that it is issued under the authority of the Federal Farm Loan Act, has the approval in form and issue of the Federal Farm Loan Board, and is legal and regular in all respects, that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security of United States Government bonds, or indorsed first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond.

This paragraph was amended by Act April 20, 1920, c. 154, § 5, cited above, by inserting after the word "president" the words "or vice president" and by inserting after the word "secretary" the words "or assistant secretary" and also the words "For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors," and also by striking out the words "and shall" and inserting in lieu thereof the words "such bonds shall also," so as to make the paragraph read as set forth above.

(5) Consolidated bonds; authority to issue and sell—Whenever it shall appear desirable to issue consolidated bonds of the twelve Federal land banks and to sell them through a common selling agency, and the Federal land banks shall, by resolution, consent to the same, the banks may issue and sell said bonds as hereinafter provided.

Paragraphs (5)-(16) were added by amendment to this section by Act March 4, 1923, c. 252, title III, § 308, 42 Stat 1476

(6) Same; signature to; recitals in—Every bond so issued shall be signed by the Farm Loan Commissioner and attested by the secretary of the Federal Farm Loan Board, and their signatures may be either written or engraved thereon and shall recite in the face of the bond the fact that it is the joint and several obligation of the twelve Federal land banks, and shall in all respects be governed by the provisions of the Federal Farm Loan Act not inconsistent herewith.

(7) Same; when payable—The consolidated bonds issued under this provision shall be made pay-

able at any Federal land bank, and may be made payable at any Federal reserve bank or banks designated in the face of the bond.

(8) Same; banks bound by acts of officers in issue—Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the Act of the Farm Loan Commissioner and the Secretary of the Federal Farm Loan Board.

This paragraph was amended by Act March 4, 1925, c. 524, § 6, 43 Stat 1264, to read as set forth above The preliminary clause of said § 6 purports to amend par 9 of section 21, but it is obvious that par 8, is the one amended Section 8 of said Act March 4, 1925, c 524, repeals all inconsistent acts or parts of acts.

Prior to this amendment this paragraph read as follows Each Federal land bank on whose behalf consolidated bonds shall be issued under this provision shall in all respects be bound by the act of the Farm Loan Commissioner and the secretary of the Federal reserve bank or banks designated in the face of the bond

(9) Same; liability of banks—Every Federal land bank, before participation in a consolidated issue, as herein provided, shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on Federal farm loan bonds as provided in this section, and be bound by the action of the Farm Loan Commissioner and the secretary of the Federal Farm Loan Board in executing the same.

(10) Same; further recitals in—Every farm loan bond issued hereunder shall contain on the face thereof a certificate signed by the Farm Loan Commissioner to the effect that it is issued under the authority of Title I of the Federal Farm Loan Act, has the approval in form and issue of the Federal Farm Loan Board, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security consisting of obligations of the United States Government, or indorsed first mortgages on farm lands, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond.

(11) Same; securities against—When any Federal land bank shall desire to participate in a consolidated issue of farm loan bonds it shall make application to the Federal Farm Loan Board for the approval on its behalf of such issue and tender to the registrar approved farm mortgages, or obligations of the United States Government, as security therefor, and no banks shall participate in such consolidated issue until such application has been approved by the Federal Farm Loan Board. Each bank shall pay when due, without notice, all bonds and coupons issued on its behalf hereunder.

(12) Same; payment of principal and interest—If any Federal land bank shall fail to pay its proportion of interest or principal as herein prescribed, the Federal Farm Loan Board shall immediately call upon the other Federal land banks for the amount necessary to make said payment, the assessments to be made in proportion to the capital stock of each, which assessments shall be forthwith paid by said banks.

(13) Same; bond committee—The presidents of the twelve Federal land banks shall constitute the bond committee of the Federal land banks and shall select a chairman from among their number. The vice president may act in place of the president on the president's request or in case he fails to act.

(14) Same; duties of bond committee as to issue of bonds—When an issue of consolidated bonds is contemplated, the bond committee shall determine the amount of such issue, the rate of interest which it is to bear, and the participation of the several banks therein, and submit their recommendations to the Federal Farm Loan Board for approval When approved by the Federal Farm Loan Board the bonds shall be executed by the Farm Loan Commissioner and the secretary of the Federal Farm Loan Board, as herein provided.

(15) Same; expenses of bond committee, etc.—The expenses of the bond committee and of the sale of bonds shall be charged against the several land banks in proportion to their participation in the proceeds.

(16) Same; bond committee; expenses of presidents of Federal land banks as members of—The presidents of the Federal land banks shall receive no additional compensation for their services as members of the bond committee. but shall be paid necessary traveling expenses. (July 17, 1916, c 245, § 21, 39 Stat 377, amended, April 20, 1920, c. 154, § 6, 41 Stat. 571, March 4, 1923, c. 252, title III, § 308, 42 Stat. 1476, and March 4, 1925, c. 524, § 6, 43 Stat. 1264.)

APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS

§ 9835m. (1) Notice to registrars of; payments on collateral security for bonds; crediting payments; cancellation of mortgages—Whenever any Federal land bank, or joint stock land bank, shall receive any interest, amortization or other payments upon any first mortgage or bond pledged as collateral security for the issue of farm loan bonds, it shall forthwith notify the farm loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns.

(2) Withdrawal of collateral and substitution of other security therefor—Upon written application by any Federal land bank, or joint stock land bank, to the farm loan registrar, it may be permitted, in the discretion of said registrar, to withdraw any mortgages or bonds pledged as collateral security under this Act, and to substitute therefor other similar mortgages or United States Government bonds not less in amount than the mortgages or bonds desired to be withdrawn

(3) Place and mode of payment of bonds or interest; cancellation on payment—Whenever any farm loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal Farm Loan Board, payment of any farm loan bond or coupon or interest payment may, however, be authorized to be made at any Federal land bank, any joint stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal Farm Loan Board.

(4) Withdrawal of collateral security on surrender of bonds—When any land bank shall surrender to the proper farm loan registrar any farm loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm loan bonds to an amount equal to the farm loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

(5) Interest payments on hypothecated first mortgages—Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm loan bonds as they become due

(6) Face value of bonds or interest coupons to holders—Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this Act, the full face value thereof shall be paid to the holder.

(7) Payments on principal of first mortgages as trust fund—Amortization and other payments on the principal of first mortgages held by a farm loan registrar as collateral security for the issue of farm loan bonds shall constitute a trust fund in the hands of the Federal land bank or joint stock land bank receiving the same, and shall be applied or employed as follows:

(I) Application of fund in cases of land banks—In the case of a Federal land bank—

(a) Payment of bonds at maturity—(a) To pay off farm loan bonds issued by or in behalf of said bank as they mature

This subdivision (a) of this paragraph, and subdivision (b) of this paragraph, were amended by Act March 4, 1923, c 252, title III, § 309, 42 Stat 1477, to read as set forth here

(b) Purchase of farm loan bonds—(b) To purchase at or below par Federal farm loan bonds.

See note to preceding paragraph.

(c) Loans on first mortgages—(c) To loan on first mortgages on farm lands within the land bank district, qualified under this Act as collateral security for an issue of farm loan bonds.

(d) Purchase of United States bonds—(d) To purchase United States Government bonds.

(II) Application of fund in case of joint stock land banks—In the case of a joint stock land bank—

(a) Payment of bonds at maturity—(a) To pay off farm loan bonds issued by said bank as they mature.

(b) Purchase of farm loan bonds—(b) To purchase at or below par farm loan bonds.

(c) Loans on first mortgages—(c) To loan on first mortgages qualified under section sixteen of this Act.

(d) Purchase of United States bonds—(d) To purchase United States Government bonds.

(8) Same; deposit of fund with registrars as substituted collateral security—The farm loan bonds, first mortgages, United States Government bonds, or cash constituting the trust fund aforesaid, shall be forthwith deposited with the farm loan registrar as substituted collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

(9) Notice to registrars of disposition of payments on principal of mortgages—Every Federal land bank, or joint stock land bank, shall notify the farm loan registrar of the disposition of all payments made on the principal of mortgages held as collateral security for an issue of farm loan bonds, and said registrar is authorized, at his discretion, to order any of such payments, or the proceeds thereof, wherever deposited or however invested, to be immediately transferred to his account as trustee aforesaid. (July 17, 1916, c. 245, § 22, 39 Stat. 378, amended, March 4, 1923, c. 252, title III, § 309, 42 Stat. 1477.)

DEFAULTED LOANS

§ 9835p. Notice to associations or agents of default; making good—If there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this title, the National Farm Loan Association through which said mortgage was received by said Federal land bank shall be notified of said default Said association may thereupon be required, within 30 days after such notice, to make good such default, either by payment of the amount unpaid thereon in cash or by the substitution of an equal amount of Federal farm loan bonds, with all unmatured coupons attached (July 17, 1916, c 245, § 25, 39 Stat. 380, amended, March 4, 1923, c. 252, title III, § 310, 42 Stat 1477)

This section was amended by Act March 4, 1923, c 252, title III, § 310, cited above, by substituting the word "title" for the word "act" in the fourth line, by striking out the words "or agent" in the fourth and sixth lines, by substituting the word "such" for the word "said" in the eighth line, by inserting the word "Federal" before the words "farm loan bonds" in the tenth line, and by striking out the words "issued by said land bank" after the words "farm loan bonds"

DISSOLUTION AND APPOINTMENT OF RECEIVERS

§ 9835t. (1) Insolvency of associations; what constitutes; receivers; powers and duties—Upon receiving satisfactory evidence that any national farm loan association has failed to meet its outstanding obligations of any description the Federal Farm Loan Board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper: Provided, That no national farm loan association shall be declared insolvent by said board until the total amount of defaults of current interest and amortization installments on loans indorsed by national farm loan associations shall amount to at least $150,000 in the Federal land bank district, unless such association shall have been in default for a period of two years. Such receiver, under the direction of the Federal Farm Loan Board, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal Farm Loan Board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal Farm Loan Board or said court shall direct.

(2) Same; receivers; payments to Treasurer of United States—Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal Farm Loan Board, and also make report to said board of all his acts and proceedings. The Secretary of the Treasury shall have authority to deposit at interest any money so received.

(3) Insolvency of banks; receivers; powers and duties—Upon default of any obligation, Federal land banks and joint stock land banks may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, and proceedings shall thereupon be had in accordance with the provisions of this section regarding national farm loan associations.

(4) Insolvency of associations; cancellation of stock held in banks; application of payments on stock to payment of debts; reduction of stock of banks; certificate of—If any national farm loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal Farm Loan Board, the stock held by it in the Federal land

bank of its district shall be canceled without impairment of its liability and all payments on such stock, with accrued dividends, if any, since the date of the last dividend shall be first applied to all debts of the insolvent farm loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm loan association: Provided, That in estimating said debts contingent liabilities incurred by national farm loan associations under the provisions of this Act on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal Farm Loan Board, and if said receiver and said land bank can not agree, then by the decision of the Farm Loan Commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due said national farm loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced, the board of directors shall cause to be executed a certificate to the Federal Farm Loan Board, showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm loan association, the amount repaid to such association

(5) Voluntary liquidation; consent of Board; consolidation of associations—No national farm loan association, Federal land bank or joint stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board, but national farm loan associations may consolidate under rules and regulations promulgated by the Federal Farm Loan Board.

(6) Liquidation of associations; cancellation of stock in Federal land bank and issue of new stock to borrowers; personal liability of stockholders—Upon liquidation of any national farm loan association, the stock in the Federal land bank held by such association shall be canceled and the Federal land bank shall thereupon issue to the borrowers through such association an amount of stock in the Federal land bank equal to the amount of stock held by such borrowers in the liquidated association, such stock to be held by the bank as collateral to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence (July 17, 1916, c. 245, § 29, 39 Stat 381, amended, March 4, 1923, c. 252, title III, § 311, 42 Stat. 1478)

This paragraph was added to § 29 of the Federal Farm Loan Act by amendment by Act March 4, 1923, c. 252, title III, § 311, 42 Stat 1478, cited above

The Federal Farm Loan Act was amended by adding thereto a new title (Title II) as set forth below, by Act March 4, 1923, c 252, title I, § 2, 42 Stat 1454-1461 See, post, § 9835¼, and note thereunder.

GOVERNMENT DEPOSITS

§ 9835w. Deposits for temporary use with banks; certificates therefor; redemption; aggregate of deposits; purchase of bonds by Secretary of Treasury; amount; repurchase by bank; temporary organizations of banks continued—The Secretary of the Treasury is authorized in his discretion, upon the request of the Federal Farm Loan Board to make deposits for the temporary use of any Federal land bank, out of any money in the Treasury not otherwise appropriated Such Federal land bank shall issue to the Secretary of the Treasury a certificate of indebtedness for any such deposit, bearing a rate of interest not to exceed the current rate charged for other Government deposits, to be secured by farm loan bonds or other collateral, to the satisfaction of the Secretary of the Treasury Any such certificate shall be redeemed and paid by such land bank at the discretion of the Secretary of the Treasury The aggregate of all sums so deposited by the Secretary of the Treasury shall not exceed the sum of $6,000,000 at any one time.

The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June thirtieth, nineteen hundred and eighteen, and June thirtieth, nineteen hundred and nineteen, respectively, to purchase at par and accrued interest with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm loan bonds issued by such bank.

Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase at par and accrued interest for the purpose of redemption or resale any bonds so purchased from it and held in the Treasury.

The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the termination of the pending war, shall upon thirty days' notice from the Secretary of the Treasury be redeemed or repurchased by such bank at par and accrued interest.

The temporary organization of any Federal land bank as provided in section four of said Federal Farm Loan Act shall be continued so long as any farm loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm loan associations shall equal the amount of stock held in such bank by the Government of the United States

Until such time as the aggregate paid-in capital stock of the twelve Federal land banks shall be $50,000,000, or more, the Secretary of the Treasury may in his discretion make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same, within fifteen days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the twelve Federal land banks on the last day of the preceding month, and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per centum per annum the rate borne by the last bond issue of the land bank receiving such deposits. (July 17, 1916, c. 245, § 32, 39 Stat 384, amended, Jan 18, 1918, c 9, § 1, 40 Stat. 431, and July 1, 1921, c. 39, 42 Stat 105.)

This section was again amended by Act July 1, 1921, c. 39, 42 Stat. 105, cited above, by adding thereto the last paragraph as set forth above

§ 9835ww. Provisions of Act July 17, 1916, c. 245, § 32, as amended, extended—That the provisions of the Act of Congress approved January 18,

1918, entitled "An Act to amend section 32 of the Federal Farm Loan Act approved July 17, 1916," be, and the same hereby are, extended to the fiscal years ending June 30, 1920, and June 30, 1921, to the extent that the Secretary of the Treasury be, and he hereby is, authorized, as by the terms of said Act, to purchase during the fiscal years ending June 30, 1920, and June 30, 1921, or either of them, any bonds which he might have purchased during the fiscal years ending June 30, 1918, and June 30, 1919, or either of them, under the provisions of the original Act Provided, That he shall purchase no bonds issued against loans approved after March 1, 1920 (May 26, 1920, c 208, 41 Stat 627)

This section is a resolution entitled a "Joint Resolution extending the provisions of an act amending section 32 of the Federal Farm Loan Act approved July 17, 1916, to June 30, 1921," cited above

ORGANIZATION EXPENSES

§ 9835x.

The Treasury and Post Office Departments appropriation act for the year 1926, Act Jan 22, 1925, c 87, title I, 43 Stat 769, contains the following provisions

'Federal Farm Loan Bureau, Salaries and Expenses. Salaries For six members of the board, at $10 000 each, for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' and for personal services in the field, * * payable from assessments upon Federal and joint-stock land banks * * ;

"For salaries of twelve reviewing appraisers at not to exceed $5,000 each per annum, and the traveling expenses of such reviewing appraisers, $30,000, * * payable from assessments upon Federal and joint-stock land banks;

"For traveling expenses of the members of the board and its officers and employees, per diem in lieu of subsistence, not exceeding $4, and contingent and miscellaneous expenses, including books of reference and maps, and for the examination of national farm loan associations, including personal services and traveling expenses, * * payable from assessments upon Federal and joint-stock land banks Provided, That no person shall be employed hereunder at a rate of compensation exceeding $2,500 per annum Provided further, That $1,260 of this sum may be expended for clerk hire in the District of Columbia * *"

§ 9835xx. Assessment of salaries and expenses against banks and associations—On January 1 and June 30, 1924, respectively, the Federal Farm Loan Board shall assess the salaries and expenses of the positions provided in this paragraph, and paid during the preceding half year, against the several Federal land banks and joint-stock land banks in proportion to the gross assets of such banks at such times, and the funds collected by such assessment shall be covered into the Treasury as miscellaneous receipts. * * (Jan. 3, 1923, c. 22, 42 Stat 1094.)

From the Treasury Department appropriation act for the year 1924, cited above.

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS

ORGANIZATION

§ 9835¼. (1) Grant of charters; name—The Federal Farm Loan Board shall have power to grant charters for 12 institutions to be known and styled as "Federal Intermediate Credit Banks."

(b) Location; officers and directors; employés—Such institutions shall be established in the same cities as the 12 Federal Land Banks. The officers and directors of the several Federal Land Banks shall be ex officio officers and directors of the several Federal Intermediate Credit Banks hereby provided for and shall have power to employ and pay all clerks, bookkeepers, accountants and other help necessary to carry on the business authorized by this title.

(c) Corporate powers; suits by or against—Each Federal Intermediate Credit Bank shall have all the usual powers of corporations, and shall have power to sue and be sued both in law and equity, and for purposes of jurisdiction shall be deemed a citizen of the State where it is located

(d) Fiscal agents for United States—Federal Intermediate Credit Banks, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and perform such duties as shall be prescribed by the Secretary of the Treasury

(e) Insolvency; receivers—Upon default of any obligation any Federal Intermediate Credit Bank may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board, and proceedings shall thereupon be had in accordance with the provisions of section 29 of this Act regarding National Farm Loan Associations.

(f) Application for charters—The charters to such Federal Intermediate Credit Banks shall be granted upon application of the directors of the Federal Land Banks which application shall be in such form as the Federal Farm Loan Board shall prescribe (July 17, 1916, c. 245, § 201, added, March 4, 1923, c. 252, title I, § 2, 42 Stat 1454)

This section, and the eleven sections next following, were added to the Federal Farm Loan Act as §§ 201-212 thereof by Act March 4, 1923, c 252, title I, § 2, 42 Stat 1454, entitled "An act to provide additional credit facilities for the agricultural and live-stock industries of the United States, to amend the Federal Farm Loan Act; to amend the Federal Reserve Act, and for other purposes," as Title II thereof.

This act consists of five titles as follows
Title I—Intermediate Credit Banks
Title II—National Agricultural Credit Corporations
Title III—Amendments to Federal Farm Loan Act.
Title IV—Amendments to the Federal Reserve Act.
Title V—Miscellaneous Provisions

Of Title I, § 1 amends § 1 of the Federal Farm Loan Act, ante, § 9835a, and § 2 is set forth post, as §§ 9835¼-9835¼k

Of Title II, §§ 201-217 are set forth post, as §§ 9835½-9835½p.

Of Title III, §§ 301, 302, amend section 3 of the Federal Farm Loan Act, ante, § 9835b; sections 303 and 304 amend section 4 of the Federal Farm Loan Act, ante, § 9835bb, section 305 amends section 7 of the Federal Farm Loan Act, ante, § 9835d, sections 306 and 307 amend section 12 of the Federal Farm Loan Act, ante, § 9835if, section 308 amends § 21 of the Federal Farm Loan Act, ante, § 9835j; section 309 amends section 22 of the Federal Farm Loan Act, ante, § 9835m, section 310 amends section 25 of the Federal Farm Loan Act, ante, § 9835p, and section 311 amends section 29 of the Federal Farm Loan Act, ante, § 9835t

Of Title IV, section 401 amends section 9 of the Federal Reserve Act, ante, § 9792, sections 402 and 403 amend section 13 of the Federal Reserve Act, ante, § 9796; section 404 adds § 13a to the Federal Reserve Act, ante, § 9796a, section 405 amends section 14 of the Federal Reserve Act, ante, § 9797, section 406 amends § 15 of the Federal Reserve Act, ante, § 9798, and section 507 repeals a previous amendment to section 14 of the Federal Reserve Act, ante, § 9797

Of Title V, section 501 is set forth ante, in note to § 3115½k(4); section 502 amends section 12 of Title I of the War Finance Corporation Act, ante, § 3115½g(1), section 504 amends section 15 of Title I of the War Finance Corporation Act, ante, § 3115½hh, section 504 amends R S § 5202, ante, § 9764, section 506 is set forth ante, § 9805a; and sections 507, 508, and 509, which are applicable to this title, but not expressly designated in the act as a part thereof, are set forth post, §§ 9835½q, 9835½r, and 9835½s.

DISCOUNTS AND LOANS

§ 9835¼a. (a) Powers enumerated—Federal Intermediate Credit Banks, when chartered and established, shall have power, subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this Act,—(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, cooperative bank, cooperative credit or

marketing association of agricultural producers, organized under the laws of any State or of the Government of the United States, and/or any other Federal intermediate credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock.

This paragraph was amended by act March 4, 1925, c. 524, § 7, 43 Stat 1264, to read as set forth above Section 8 of said Act March 4, 1925, c 524, repeals all inconsistent acts or parts of acts Prior to this amendment this paragraph read as follows

"Federal Intermediate Credit Banks, when chartered and established, shall have power, subject solely to such restrictions limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this Act,—

"(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated live-stock loan company, savings institution, cooperative bank, cooperative credit or marketing association of agricultural producers, organized under the laws of any State, and/or any other Federal Intermediate Credit Bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of live stock"

(2) To buy or sell, with or without recourse, debentures issued by any other Federal Intermediate Credit Bank; and

(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or live stock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on live stock: Provided, That no such loan or advance shall exceed 75 per centum of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the live stock covered by said mortgages.

(b) Purchase or discount of paper from or for national banks, state banks, trust companies, savings institutions, or corporations making loans for agricultural or live stock purposes; limitation upon amount—No paper shall be purchased from or discounted for any national bank, State bank, trust company, or savings institution under this section, if the amount of such paper added to the aggregate liabilities of such national bank, State bank, trust company or savings institution, whether direct or contingent (other than bona fide deposit liabilities), exceeds the amount of such liability permitted under the laws of the jurisdiction creating the same; or exceeds twice the paid in and unimpaired capital and surplus of such national bank, State bank, trust company, or savings institution. No paper shall under this section be purchased from or discounted for any other corporation engaged in making loans for agricultural purposes or for the raising, breeding, fattening, or marketing of live stock, if the amount of such paper added to the aggregate liabilities of such corporation exceeds the amount of such liabilities permitted under the laws of the jurisdiction creating the same; or exceeds ten times the paid in and unimpaired capital and surplus of such corporation. It shall be unlawful for any national bank which is indebted to any Federal Intermediate Credit Bank upon paper discounted or purchased under this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitations herein contained.

(c) Maturity and sale of loans, advances, or discounts—Loans, advances, or discounts made under this section shall have a maturity at the time they are made or discounted by the Federal Intermediate Credit Bank of not less than six months nor more than three years Any Federal Intermediate Credit Bank may in its discretion sell loans or discounts made under this section, with or without its indorsement

(d) Rates of interest or discount charges; rediscount of paper of other Intermediate Credit Banks—Rates of interest or discount charged by the Federal Intermediate Credit banks upon such loans and discounts shall be subject to the approval of the Federal Farm Loan Board On the majority vote of the members of the Federal Farm Loan Board any Federal Intermediate Credit Bank shall be required to rediscount the discounted paper of any other Federal Intermediate Credit Bank at rates of interest to be fixed by the Federal Farm Loan Board (July 17, 1916, c. 245, § 202, added, March 4, 1923, c 252, title I, § 2, 42 Stat. 1455, and amended, March 4, 1925, c 524, § 7, 43 Stat. 1264.)

See note to § 9835¼, ante

ISSUE OF DEBENTURES

§ 9835½b. (a) Collateral trust debentures or other similar obligations; issue and sale; maturity; security for; amounts—Federal Intermediate Credit Banks, when chartered and established, shall have power, subject to the approval of the Federal Farm Loan Board, to borrow money and to issue and to sell collateral trust debentures or other similar obligations with a maturity at the time of issue of not more than five years, which shall be secured by at least a like face amount of cash, or notes or other such obligations discounted or purchased or representing loans made under section 202: Provided, That no Federal Intermediate Credit Bank shall have power to issue or obligate itself for debentures or other obligations under the provisions of this section in excess of ten times the amount of the paid-up capital and surplus of such bank.

(b) Same; preparation and issue; interest rates—The provisions of Title I relating to the preparation and issue of farm loan bonds shall, so far as applicable, govern the preparation and issue of debentures or other such obligations issued under this section; but the Federal Farm Loan Board shall prescribe rules and regulations governing the receipt, custody, substitution, and release of collateral instruments securing such debentures or other obligations, the right of substitution being hereby granted. Rates of interest upon debentures and other such obligations issued under this section shall, subject to the approval of the Federal Farm Loan Board, be fixed by the Federal Intermediate Credit Bank making the issue, not exceeding 6 per centum per annum.

(c) Same; United States Government not liable for; form and contents of debentures, etc.—The United States Government shall assume no liability, direct or indirect, for any debentures or other obligations issued under this section, and all such debentures and other obligations shall contain conspicuous and appropriate language, to be prescribed in form and substance by the Federal Farm Loan Board and approved by the Secretary of the Treasury, clearly indicating that no such liability is assumed. (July 17, 1916, c. 245, § 203, added, March 4, 1923, c. 252, title I, § 2, 42 Stat. 1456.)

See note to § 9835¼, ante.

DISCOUNT RATES

§ 9835½c. (a) Discount rates; establishment—Before making any discounts under the provisions of this title, each Federal Intermediate Credit Bank shall establish and promulgate a rate of discount to be approved by the Federal Farm Loan Board. Any

Federal Intermediate Credit Bank which has made an issue of debentures under the provision of this title may thereafter establish, with the approval of the Federal Farm Loan Board a rate of discount not exceeding by more than 1 per centum per annum the rate borne by its last preceding issue of debentures: Provided, That the Federal Farm Loan Board may classify loans and debentures according to maturity, and if debentures of different classes sell at a different rate the Federal intermediate credit banks may differentiate in rates on like classes of loans in the same ratio.

This paragraph was amended by Act March 4, 1925, c 524, § 2, 43 Stat. 1262, by adding the proviso Section 8 of said Act March 4, 1925, c 524, repeals all inconsistent acts or parts of acts

(b) Rate of interest charged original borrower on note or obligation discounted—No organization entitled to the privileges of this title, shall, without the approval of the Federal Farm Loan Board, be allowed to discount with any Federal Intermediate Credit Bank any note or other obligation, upon which the original borrower has been charged a rate of interest exceeding by more than 1½ per centum per annum the discount rate of the Federal Intermediate Credit Bank at the time such loan was made

(c) Purchase by credit banks of debentures or obligations issued by it—A Federal Intermediate Credit Bank may, subject to the approval of the Federal Farm Loan Board, buy in the open market at or below par for its own account and retire at or before maturity any such debentures or obligations issued by it. (July 17, 1916, c 245, § 204, added, March 4, 1923, c. 252, title I, § 2, 42 Stat 1456, and amended, March 4, 1925, c 524, § 2, 43 Stat. 1262)

See note to § 9835¼, ante

CAPITAL STOCK

§ 9835¼d. Amount; shares; subscriptions to by United States—For the purpose of exercising the powers conferred by this title, each Federal Intermediate Credit Bank shall have a subscribed capital stock of $5,000,000. Capital stock of such amount shall be divided into shares of $5 each and shall be subscribed, held, and paid by the Government of the United States It shall be the duty of the Secretary of the Treasury to subscribe to such capital stock on behalf of the United States, such subscription to be subject to call in whole or in part by directors of the said banks upon 30 days' notice to the Secretary of the Treasury and with the approval of the Federal Farm Loan Board. The Secretary of the Treasury is authorized and directed to take out shares as called and to pay for the same out of any money in the Treasury not otherwise appropriated (July 17, 1916, c 245, § 205, added, March 4, 1923, c. 252, title I, § 2, 42 Stat 1457.)

See note to § 9835¼, ante.

APPLICATION OF EARNINGS

§ 9835¼e. (a) Apportionment of joint expenses of Federal Land Banks, Joint Stock Land Banks and Federal Intermediate Credit Banks; expenses of Federal Farm Loan Bureau apportioned to Credit Banks—The Federal Farm Loan Board shall equitably apportion the joint salaries and expenses incurred in behalf of the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and shall assess against each Federal intermediate credit bank its proportionate share of the salaries and expenses of the Federal Farm Loan Bureau made necessary in connection with the operation of this provision.

This paragraph was amended by Act March 4, 1925, c. 524, § 1, 43 Stat 1262, to read as set forth above Section 8 of said Act March 4, 1925, c 524, repeals all inconsistent acts or parts of acts Prior to this amendment this paragraph read as follows "The Federal Farm Loan Board shall equitably apportion the joint expenses incurred in behalf of Federal Land Banks, Joint Stock Land Banks, and Federal Intermediate Credit Banks, and shall assess against each Federal Intermediate Credit Bank its proportionate share of the expenses of any additional personnel in the Federal Farm Loan Bureau made necessary in connection with the operation of this provision"

(b) Net earnings; disposition of; surplus on insolvency or liquidation—After all necessary expenses of a Federal Intermediate Credit Bank have been paid or provided for, the net earnings shall be divided into equal parts and one-half thereof shall be paid to the United States and the balance shall be paid into a surplus fund until it shall amount to 100 per centum of the subscribed capital stock of such bank and that thereafter 10 per centum of such earnings shall be paid into the surplus After the aforesaid requirements have been fully met, the then net earnings shall be paid to the United States as a franchise tax. The net earnings derived by the United States from Federal Intermediate Credit Banks shall, in the discretion of the Secretary of the Treasury, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations to be prescribed by the Secretary of the Treasury. Should a Federal Intermediate Credit Bank be dissolved or go into liquidation, after the payment of all debts and other obligations as hereinbefore provided, any surplus remaining shall be paid to and become the property of the United States and shall be similarly applied. (July 17, 1916, c. 245, § 206, added, March 4, 1923, c. 252, title I, § 2, 42 Stat. 1457, and amended March 4, 1925, c. 524, § 1, 43 Stat. 1262.)

See note to § 9835¼, ante.

LIABILITY ON DEBENTURES

§ 9835¼f. Primary liability for debentures or other obligations issued—Any Federal Intermediate Credit Bank issuing debentures or other such obligations under this title shall be primarily liable therefor, and shall also be liable, upon presentation of the coupons for interest payments due upon any such debentures or obligations issued by any other Federal Intermediate Credit Bank and remaining unpaid in consequence of the default of the other Federal Intermediate Credit Bank. Any Federal Intermediate Credit Bank shall likewise be liable for such portion of the principal of debentures or obligations so issued as are not paid after the assets of such other Federal Intermediate Credit Bank have been liquidated and distributed Such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent Federal Intermediate Credit Banks liable therefor in proportion to the amount of capital stock, surplus, and debentures or other such obligations which each may have outstanding at the time of such assessment. Every Federal Intermediate Credit Bank shall, by appropriate action of its board of directors duly recorded in its minutes, obligate itself to become liable on debentures and other such obligations as provided in this section. (July 17, 1916, c. 245, § 207, added, March 4, 1923, c. 252, title I, § 2, 42 Stat. 1458.)

See note to § 9835¼, ante.

EXAMINATIONS AND REPORTS

§ 9835¼g. (a) Confidential information and examinations by Comptroller of Currency for Credit Banks; examination and audit of Credit Banks—In order to enable each Federal Intermediate Credit Bank to carry out the purpose of this title, the Comptroller of the Currency is hereby authorized and directed, upon the request of any Federal Intermediate Credit Bank, (1) to furnish for the confidential use of such bank such reports, records, and other information, as he may have available, relating to the financial condition of national banks through or for which the Federal Intermediate Credit Bank has made or contemplates making discounts, and (2) to make through his examiners, for the confidential use of the Federal Intermediate Credit Bank, examinations of organizations through or for which the Federal Intermediate Credit Bank has made or contemplates making discounts or loans: Provided, That no such examination shall be made without the consent of such organization except where such examination is required by law: Provided, That any organization, except State banks, trust companies and savings associations, shall, as a condition precedent to securing rediscount privileges with the Federal Intermediate Credit Bank of its district, file with such bank its written consent to its examination as may be directed by the Federal Farm Loan Board by land bank examiners; and State banks, trust companies and savings associations may be in like manner required to file their written consent that reports of their examination by constituted authorities may be furnished by such authorities upon request to the Federal Intermediate Credit Bank of their district. Each Federal Intermediate Credit Bank shall be examined and audited at least once each year by the Federal Farm Loan Board, and the results of such examination and audit shall be made public by the board.

(b) Reports to Federal Farm Loan Board—Every Federal Intermediate Credit Bank shall make to the Federal Farm Loan Board not less than three reports during each year as requested by the board and according to the form which may be prescribed by the board, verified by the oath or affirmation of the president, or secretary, or treasurer, of each Federal Intermediate Credit Bank and attested by the signature of at least three of the directors. Each report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the Federal Intermediate Credit Bank at the close of business on any past day specified by the Federal Farm Loan Board within five days from the receipt of a request or requisition therefor from the board, and in the same form in which it is made to the Federal Farm Loan Board shall be published in a newspaper published in the place where such Federal Intermediate Credit Bank is established, or if there is no newspaper in the place, then in the one published nearest thereto, in the same county, at the expense of the bank; and such proof of publication shall be furnished as may be required by the Federal Farm Loan Board. The Federal Farm Loan Board shall also have power to call for special reports from any particular Federal Intermediate Credit Bank whenever in its judgment the same are necessary for a full and complete knowledge of is [its] condition.

(c) Investigations and reports by land bank appraisers for Credit Banks—Land bank appraisers are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board, to investigate and make a written report upon the products covered by warehouse receipts or shipping documents, and the live stock covered by mortgages, which are security for notes or other such obligations representing any loan to any organization, under this title Land bank examiners are authorized, upon the request of any Federal Intermediate Credit Bank and with the approval of the Federal Farm Loan Board, to examine and make a written report upon the condition of any organization, except national banks, to which the Federal Intermediate Credit Bank contemplates making any such loan.

(d) Cost of examinations—The Federal Farm Loan Board shall assess the cost of all examinations made by the examiners of the board under the provisions of this title, upon the bank, trust company, savings institution, or organization investigated, in accordance with the regulations to be prescribed by the board. (July 17, 1916, c 245, § 208, added, March 4, 1923, c 252, title I, § 2, 42 Stat. 1458)

See note to § 9835¼, ante.

RULES AND REGULATIONS

§ 9835¼h. Federal Farm Loan Board to make—The Federal Farm Loan Board is authorized to make such rules and regulations, not inconsistent with law, as it deems necessary for the efficient execution of the provisions of this title. (July 17, 1916, c 245, § 209, added, March 4, 1923, c. 252, title I, § 2, 42 Stat 1459.)

See note to § 9835¼, ante

TAX EXEMPTION

§ 9835¼i. Enumeration of—The privileges of tax exemption accorded under section 26 of this Act shall apply also to each Federal Intermediate Credit Bank, including its capital, reserve, or surplus, and the income derived therefrom, and the debentures issued under this title shall be deemed and held to be instrumentalities of the Government and shall enjoy the same tax exemptions as are accorded farm loan bonds in said section. (July 17, 1916, c 245, § 210, added, March 4, 1923, c. 252, title I, § 2, 42 Stat. 1459)

See note to § 9835¼, ante

PENALTY PROVISIONS

§ 9835¼j. (a) Embezzlement, etc., by officers, directors, agents or employés of Credit Banks; punishment—Any officer, director, agent, or employee of a Federal Intermediate Credit Bank who embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of such bank, or who, without authority from such bank, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such bank with intent in any case to injure or defraud such bank or any other company or person, or to deceive any officer of such bank or the Federal Farm Loan Board, or any agent or examiner appointed to examine the affairs of such bank; and every receiver of such bank who with like intent to defraud or injure embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of such bank, and every person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States, shall be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, at the discretion of the court.

(b) False statements to Credit Banks; punishment—Whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association

any advance, or extension or renewal of an advance, or any release or substitution of security from such bank, or for the purpose of influencing in any other way the action of such bank, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

(c) Overvaluation of property offered as security; punishment—Whoever willfully overvalues any property offered as security for any such advance shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

(d) Offenses by examiners; punishment—Any examiner appointed under this Act who shall accept a loan or gratuity from any organization examined by him, or from any person connected with any such organization in any capacity, or who shall disclose the names of borrowers to other than the proper officers of such organization, without first having obtained express permission in writing from the Farm Loan Commissioner or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or of either House thereof, or any committee of Congress or of either House duly authorized, shall be punished by a fine of not exceeding $5,000 or by imprisonment of not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this Act No examiner while holding such office shall perform any other service for compensation for any bank or banking or loan association or for any person connected therewith in any capacity.

(e) Receiving fee, commission, gift, etc., by officer, director, etc., of Credit Bank; punishment—Whoever, being an officer, director, employee, agent or attorney of a Federal Intermediate Credit Bank, stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value, from any person, firm, or corporation for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation any loan from any such corporation or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such corporation, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be imprisoned for not more than one year and fined not more than $5,000, or both

(f) Forging, counterfeiting, etc., debenture, coupon, etc., issued by Credit Bank; punishment—Any person who shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited or willingly aid or assist in falsely making, forging, or counterfeiting any debenture, coupon, or other obligation in imitation of or purporting to be in imitation of the debenture, coupon, or other obligation issued by any Federal Intermediate Credit Bank, or any person who shall pass, utter, or publish or attempt to pass, utter, or publish any false, forged, or counterfeited, debenture, coupon, or other obligation purporting to be issued by any such bank knowing the same to be falsely made, forged, or counterfeited, or any person who shall falsely alter or cause or procure to be falsely altered or shall willingly aid or assist in falsely altering any such debenture, coupon, or other obligation or who shall pass, utter, or publish as true any falsely altered or spurious debenture, coupon, or other obligation issued or purporting to have been issued by any such bank knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not to exceed five years, or both.

(g) Deceiving, defrauding, etc., as to character, issue, security, etc., of debenture, etc., issued by Credit Banks; punishment—Any person who shall deceive, defraud, or impose upon or who shall attempt to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any debenture, coupon, or other obligation issued under the terms of this title, shall upon conviction be fined not exceeding $500, or imprisoned not to exceed one year, or both

(h) Unlawful use of words "Federal Intermediate Credit Bank"; punishment—All corporations not organized under the provisions of this title are prohibited from using the words "Federal Intermediate Credit Bank" as part of their corporate name, and any violation of this prohibition shall subject the party charged therewith to a civil penalty of $50 for each day during which the violation continues. (July 17, 1916, c. 245, § 211, added, March 4, 1923, c. 252, title I, § 2, 42 Stat. 1459.)

See note to § 9835½, ante

§ 9835¼k. Unauthorized fees, commissions, etc.—No Federal Intermediate Credit Bank shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. (July 17, 1916, c. 245, § 212, added, March 4, 1923, c. 252, title I, § 2, 42 Stat 1461.)

See note to § 9835¼, ante.

TITLE LXII B—NATIONAL AGRICULTURAL CREDIT CORPORATIONS

This Title consists of Title II ("National Agricultural Credit Corporations") of Act March 4, 1923, c 252, §§ 201-217, 42 Stat 1461-1473.
See note to § 9835¼, ante

FORMATION

§ 9835½. Formation; number of incorporators; articles of association; signing and filing—Corporations for the purpose of providing credit facilities for the agricultural and live-stock industries of the United States, to be known as National Agricultural Credit Corporations, may be formed by any number of natural persons not less in any case than five. Such persons shall enter into articles of association which shall specify the object for which the corporation is formed. Such articles of association shall be signed by the persons intending to participate in the organization of the corporation and be forwarded to the Comptroller of the Currency to be filed and preserved in his office. (March 4, 1923, c. 252, title II, § 201, 42 Stat. 1461.)

This section, and the nineteen sections next following, are title II, and a part of title V of Act March 4, 1923, c. 252, 42 Stat. 1461, entitled "An act to provide additional credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal Farm Loan Act, to amend the Federal Reserve Act; and for other purposes"
See note to § 9835¼, ante.

REQUISITES OF ARTICLES AND CERTIFICATE

§ 9835½a. (a) Organization certificate; contents—Persons signing such articles of association shall make an organization certificate which shall specifically state the name of the corporation to be organized, the place where its office is to be located,

the State or States in which its operations are to be carried on, the amount of its capital stock, and the number of shares into which the same shall be divided, and that the certificate is made to enable the subscribers to avail themselves of the advantages of this title

(b) Name of corporation—The name of each corporation organized under this title shall include the words 'National Agricultural Credit Corporation"

(c) Acknowledgment of organization certificate and articles of association—The organization certificate and articles of association shall be acknowledged before some judge of a court of record or notary public and shall, together with the acknowledgment thereof duly authenticated by the seal of such court or notary, be transmitted to the Comptroller of the Currency, who shall file, record, and carefully preserve the same in his office

(d) Corporate powers in general; directors and officers—Upon making and filing the articles of association and organization certificate with the Comptroller of the Currency, and when the Comptroller of the Currency has approved the same and issued a written permit to begin business, the corporation shall be and become a body corporate, and shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession for a period of 50 years unless sooner dissolved by the act of shareholders owning two-thirds of its stock or by Act of Congress or unless its charter shall be forfeited for violation of law.

(3) To make contracts

(4) To sue and be sued, complain and defend in any court of law or equity, and for purposes of jurisdiction shall be deemed a citizen of the State where it is located.

(5) To elect or appoint directors and by its board of directors to appoint such officers and employees as may be deemed proper, to define their authority and duties, to fix their salaries, in its discretion to require bonds of any of them and to fix the penalty thereof; and to dismiss at pleasure any of such officers or employees

(6) To prescribe by its board of directors by-laws not inconsistent with law or the regulations of the Comptroller of the Currency defining the manner in which its general business may be conducted, its shares of stock be transferred, its directors and officers be elected or appointed, its property transferred, and the privileges granted to it by law be exercised and enjoyed

(7) To exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this title, and such incidental powers as shall be necessary to carry on the business for which it is incorporated, within the limitations prescribed by this title, but such corporation shall transact no business except such as is incidental and necessarily preliminary to its organization until authorized in writing by the Comptroller of the Currency to commence business under the provisions of this title.

(8) The affairs of each National Agricultural Credit Corporation shall be managed by not less than five directors, who shall be elected by the stockholders at a meeting to be held at any time before the corporation is authorized by the Comptroller of the Currency to commence business, and afterwards at meetings to be held on such day in January of each year as may be provided in the articles of association. The directors so elected shall hold office for one year, and until their successors are elected and have qualified. Every director and other officer of the corporation shall, before entering upon the duties of his office, take and subscribe an oath before a notary public or other official having a seal and authorized to administer oaths, conditioned for the faithful performance of the duties of his office Such oath shall be in such form as may be prescribed by the Comptroller of the Currency, and shall be filed in the office of the Comptroller of the Currency Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. (March 4, 1923, c 252, title II, § 202, 42 Stat. 1461.)

See note to § 9835½, ante

§ 9835½b. (a) Advances upon, discount, rediscount, purchase, sale, negotiation or acceptance of Treasury certificates of indebtedness, of notes, drafts, or bills of exchange issued or drawn for agricultural purposes, or notes secured by chattel mortgages upon breeding live stock or dairy herds; dealings in bonds, or other obligations of United States; fiscal agents for United States; purchase and sale of shares of stock of National Agricultural Credit Corporations organized for rediscount purposes; purchase, etc., of real estate; acting as custodian, trustee, or agent for holders of certain notes, etc.; issue of collateral trust notes or debentures—Each National Agricultural Credit Corporation shall have power, under such rules and regulation as the Comptroller of the Currency may prescribe—

(1) To make advances upon, to discount, rediscount, or purchase, and to sell or negotiate, with or without its indorsement or guaranty, notes, drafts, or bills of exchange, and to accept drafts or bills of exchange, which—

(A) Are issued or drawn for an agricultural purpose, or the proceeds of which have been or are to be used for an agricultural purpose;

(B) Have a maturity, at the time of discount, purchase, or acceptance, not exceeding nine months; and

(C) Are secured at the time of discount, purchase, or acceptance by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, or by chattel mortgages or other like instruments conferring a first and paramount lien upon live stock which is being fattened for market.

(2) To make advances upon or to discount, rediscount, or purchase, and to sell or negotiate with or without its indorsement or guaranty, notes secured by chattel mortgages conferring a first and paramount lien upon maturing or breeding live stock or dairy herds, and having a maturity at the time of discount, rediscount, or purchase not exceeding three years

(3) To subscribe for, acquire, own, buy, sell, and otherwise deal in Treasury certificates of indebtedness, bonds or other obligations of the United States to such extent as its board of directors may determine.

(4) To act, when requested by the Secretary of the Treasury, as fiscal agent of the United States, and to perform such services as the Secretary of the Treasury may require in connection with the issue, sale, redemption or repurchase of bonds, notes, Treasury certificates of indebtedness, or other obligations of the United States

(5) To purchase, hold, acquire, and dispose of shares of the capital stock of any corporation organized under the provisions of section 207, of this title, in an amount not to exceed at any time 20 per centum of its paid in and unimpaired capital and surplus.

(6) To purchase, hold, and convey real estate for the following purposes, and for no others:

(A) Such as shall be necessary for its accommodation in the transaction of its business.

(B) Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

(C) Such as shall be conveyed to it in satisfaction

of loans or advances made or debts previously contracted in the course of its dealings.

(D) Such as it shall purchase at sales under judgments, decrees, or mortgages held by the corporation or shall purchase to secure debts due to it

(7) To act as custodian, trustee, or agent for holders of notes, drafts, or bills of exchange sold or negotiated under paragraphs (1) and (2) of subdivision (a) of this section or under section 207.

(8) To issue, subject to such regulations as the Comptroller of the Currency may prescribe, collateral trust notes or debentures, with a maturity not exceeding three years, and to pledge as security for such notes or debentures any notes, drafts, bills of exchange, or other securities held by the corporation under the terms of this title The regulations of the Comptroller of the Currency may prescribe the form of notes or debentures, and of notes, drafts, bills of exchange, warehouse receipts, chattel mortgages, or other instruments which may be pledged as security therefor, the provisions which may be made with regard to release, substitution, or exchange of such securities, and with regard to protection, supervision, inspection, and reinspection of the agricultural commodities or live stock pledged or mortgaged as security therefor.

(b) United States not liable for debentures, etc., issued by corporations—The United States Government shall assume no liability, direct or indirect, for any debentures or other obligations issued under this title, and all such debentures and other obligations shall contain conspicuous and appropriate language, to be prescribed in form and substance by the Comptroller of the Currency and approved by the Secretary of the Treasury, clearly indicating that no such liability is assumed

(c) Additional real-estate security for obligations—Any obligation referred to in paragraphs (1) or (2) of subdivision (a) of this section, which is secured by chattel mortgage upon live stock of an estimated market value at least equal to the face amount of such obligation, may be additionally secured by mortgage or deed of trust upon real estate or by other securities, under such regulations as may be made by the Comptroller of the Currency. (March 4, 1923, c. 252, title II, § 203, 42 Stat 1462)

See note to § 9835½, ante.

LIMITATIONS

§ 9835½c. Limitation upon liabilities to be incurred or advances made; dealings in live stock—Except as hereinafter provided in section 207 of this title, no National Agricultural Credit Corporation shall incur liabilities, whether direct or contingent, in excess of ten times its paid in and unimpaired capital and surplus; nor shall any such corporation make advances to or hold notes or other direct obligations of any person or corporation, or have outstanding acceptances for any person or corporation, in an amount exceeding 20 per centum of the paid in and unimpaired capital and surplus of such corporation, unless such advances, notes, acceptances, or other obligations are adequately secured by warehouse receipts representing readily marketable and nonperishable agricultural commodities, in which event the amount of such advances to, or notes or other direct obligations of, or acceptances for, such one person, association, or corporation shall not exceed 50 per centum of such paid in and unimpaired capital and surplus. No such corporation shall purchase, own, or deal in any live stock except live stock taken in the course of liquidation of obligations held by it. (March 4, 1923, c. 252, title II, § 204, 42 Stat. 1464.)

See note to § 9835½, ante.

INTEREST RATES

§ 9835½d. (a) Charges on loans or discounts—Any National Agricultural Credit Corporation may charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate allowed by the laws of the State in which such corporation is located

(b) Exacting unlawful interest—The taking, receiving, reserving, or charging a rate of interest greater than is allowed by subdivision (a), when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representative, may recover back in an action in the nature of an action for debt twice the amount of the interest thus paid from the corporation taking or receiving the same, provided such action is commenced within two years from the time the usurious interest was collected (March 4, 1923, c. 252, title II, § 205, 42 Stat. 1464.)

See note to § 9835½, ante

CAPITAL STOCK

§ 9835½e. (a) Amount; payment as condition to grant of certificate to do business—No National Agricultural Credit Corporation shall be permitted to commence business with a paidin capital of less than $250,000; and no permit to begin business shall be issued to any such corporation by the Comptroller of the Currency until there shall have been filed with him a certificate signed by the president or treasurer and by individuals comprising a majority of the board of directors of such corporation showing that at least 50 per centum of the authorized capital stock of such corporation has been paid in in cash; and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per centum each on the whole amount of the capital, and the entire authorized capital stock shall be paid in within six months from the date upon which such corporation shall be authorized by the Comptroller of the Currency to commence business The payment of each installment shall be certified to the Comptroller of the Currency under oath by the president or cashier of such corporation.

(b) Increase or reduction; withdrawal of paid in capital—The capital stock of any such corporation may be increased at any time with the approval of the Comptroller of the Currency by a vote of two-thirds of the holders of its issued and outstanding capital stock, or by written consent of all of its shareholders without a meeting and without a formal vote; and may be reduced in like manner. Provided, That in no event shall such capital stock be reduced to an amount less than one-tenth of its then outstanding indebtedness, direct or contingent, or to an amount less than $250,000, nor without at the same time reducing proportionately outstanding liabilities. No National Agricultural Credit Corporation, except as herein provided, shall withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its paidin capital, and section 5204 of the Revised Statutes, prohibiting the payment of unearned dividends or the withdrawal of capital of national banks, shall be held to apply to National Agricultural Credit Corporations.

(c) Transfer of shares—The provisions and limitations contained in section 5139 of the Revised Statutes, relative to transfer of the shares of the capital stock of national banks, shall apply to National Agricultural Credit Corporations.

(d) Collection of unpaid subscriptions—Whenever any shareholder or his assign fails, upon demand of the Comptroller of the Currency, to pay his subscription or any part thereof on stock of any National Agricultural Credit Corporation subscribed to by him, the directors of the corporation after 15 days' notice, shall proceed in the manner prescribed by section 5141 of the Revised Statutes for the collection of unpaid subscriptions to stock of national banks

(e) Shareholders voting by proxy—Section 5144 of the Revised Statutes, which relates to the right of shareholders of national banks to vote by proxy, shall be held to apply to shareholders of National Agricultural Credit Corporations. (March 4, 1923, c 252, title II, § 206, 42 Stat 1464.)

See note to § 9835½, ante.

REDISCOUNT CORPORATIONS

§ 9835½f. (a) Rediscount powers—National Agricultural Credit Corporations having an authorized capital stock of $1,000,000 or over may be organized under the provisions of this title, to exercise all the powers enumerated in section 203, except that in lieu of the powers conferred in paragraphs (1) and (2) of subdivision (a) of such section, such corporations shall have powers,—

(1) Upon the indorsement of any National Agricultural Credit Corporation, or of any bank or trust company which is a member of the Federal Reserve System, to rediscount for such corporation, bank, or trust company, notes, drafts, bills of exchange, and acceptances, which conform to the requirements of paragraphs (1) and (2) of subdivision (a) of section 203 Such indorsement shall be deemed to be a waiver of demand notice and protest by such corporation as to its own indorsement exclusively.

(2) To discount or purchase notes, drafts, or bills of exchange issued or drawn by cooperative associations of producers of agricultural products, provided such notes, drafts, or bills of exchange are secured at the time of discount or purchase by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, and have a maturity at the time of discount or purchase not exceeding nine months.

(3) To sell or negotiate with or without recourse any note, draft, or bill of exchange discounted or purchased hereunder.

(b) Limitations upon indebtedness—National Agricultural Credit Corporations organized under the provisions of this section, shall not be subject to the limitations contained in section 204, but the Comptroller of the Currency may, by general regulations, from time to time prescribe the amount of indebtedness, direct or contingent, which such corporations may incur, and the aggregate amount of paper of different types which such corporations may rediscount for any one corporation

(c) Deposit of bonds or securities—Corporations with powers limited, as provided in this section, shall not be subject to the requirements as to deposit of bonds or other obligations of the United States, as provided in section 208 of this title. (March 4, 1923, c. 252, title II, § 207, 42 Stat. 1465.)

See note to § 9835½, ante.

PERMIT TO BEGIN BUSINESS

§ 9835½g. (a) Deposit of bonds or obligations of United States as condition to issue of permit—No National Agricultural Credit Corporation, except corporations with powers limited as provided in section 207, shall commence business until it has deposited with the Federal reserve bank of the district wherein it has its place of business, bonds or other obligations of the United States in an aggregate face amount at least 25 per centum of its paid in capital stock. Each such corporation shall at all times keep on deposit with such Federal reserve bank an amount of such bonds or other obligations of the United States at least equal in face value to 7½ per centum of the aggregate indebtedness of such corporation, direct or contingent, said amount to include the 25 per centum deposited as hereinbefore by this section provided Except as hereinafter provided, such bonds or other obligations shall be held by such Federal reserve bank, subject to the direction and control of the Comptroller of the Currency, in trust for the equal and pro rata protection and benefit of all holders of notes, debentures, drafts, bills of exchange, or acceptances upon which such corporation may be directly or contingently liable. Upon receipt of proper evidence that the amount of such bonds or other obligations of the United States so deposited exceeds 7½ per centum of such aggregate indebtedness, the Comptroller of the Currency may release such excess, provided that the amount remaining on deposit shall in no event be reduced below 25 per centum of the paid-in capital stock of such corporation. Under such regulations as the Comptroller of the Currency may prescribe, a Federal reserve bank may, upon request of the corporation which deposited the same, sell any such bonds or obligations for account of such corporation, and permit such corporation to use the proceeds thereof for the protection or preservation of any property pledged or mortgaged as security for obligations owned or indorsed by the corporation If by reason of such sale the face amount of such bonds or other obligations of the United States remaining on deposit with such Federal reserve bank shall be less than 7½ per centum of such aggregate indebtedness of the corporation, no further advances shall be made, or notes, drafts, or bills of exchange discounted, rediscounted, accepted, or purchased, by such corporation until sufficient additional bonds or other obligations of the United States have been deposited to make good the deficiency.

(b) Determination as to grant of permit—In determining whether to grant permission to do business to any National Agricultural Credit Corporation, the Comptroller of the Currency shall take into account the extent to which the laws of the State or States in which the corporation will do business afford adequate protection to advances made upon the security of warehouse receipts covering agricultural commodities or chattel mortgages upon live stock with respect to (1) bonding, licensing, and inspection of warehouses; (2) recordation of chattel mortgages or deeds of trust on live stock; (3) recordation of brands or other identifying marks on live stock; (4) reporting and recording of interstate shipments and slaughter of live stock; and (5) right of mortgagee to release a portion of the mortgaged property without prejudice to the priority of lien as against junior lienors or other creditors of the mortgagor (March 4, 1923, c. 252, title II, § 208, 42 Stat. 1466)

See note to § 9835½, ante

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

§ 9835½h. (a) Supervision by Comptroller of Currency—All National Agricultural Credit Corporations shall be under the supervision of the Comptroller of the Currency, who shall be charged with the execution of all laws of the United States relating to the organization, regulation, and control of such corporations. The Comptroller of the Currency shall exercise the same general power of supervision over such corporations as he now exercises

over national banks organized under the laws of the United States.

(b) Third Deputy Comptroller of Currency; appointment; oath; bond; duties; examiners, clerks, and other employés; salaries; expenses of examinations and administration of title—In addition to the two Deputy Comptrollers of the Currency now provided for by law, there shall be in the Bureau of the Comptroller of the Currency a third Deputy Comptroller of the Currency who shall be appointed in the same manner and shall take a like oath of office and give a like bond as the Deputy Comptrollers now provided for by law Under the direction of the Comptroller of the Currency, such additional Deputy Comptroller shall have charge of the administration of the provisions of this title relating to the organization and operation of National Agricultural Credit Corporations and shall perform such other duties as shall be assigned to him by the Comptroller of the Currency. The Comptroller of the Currency is hereby authorized to employ such additional examiners, clerks, and other employees as he deems necessary to carry out the provisions of this title and to assign to duty in the office of his bureau in Washington such examiners and assistant examiners as he shall deem necessary to assist in the performance of the work of that bureau The salaries of the Deputy Comptrollers of the Currency and of such additional examiners, assistant examiners, clerks, and other employees shall be fixed in advance by the Comptroller of the Currency The salaries of the two Deputy Comptrollers now provided for by law and of all national bank examiners and assistant examiners assigned to duty in the office of the bureau in Washington in connection with the supervision of national banks shall be considered part of the expenses of the examinations provided for by section 5240 of the Revised Statutes, as amended, and the salaries of such additional Deputy Comptroller and of all examiners, assistant examiners, clerks, and other employees appointed under the terms of this title and assigned to duty in connection with the administration of this title shall be considered part of the expenses of the administration of this title: Provided, however, That the salary of the additional Deputy Comptroller provided for by this subdivision shall be considered partly an expense of the administration of this title in proportions to be determined from time to time by the Comptroller of the Currency with a view to a fair apportionment of such expense, until such time as it shall be necessary for such additional Deputy Comptroller to give his full time to the administration of this title The Comptroller of the Currency shall have power to levy semi-annually upon the National Agricultural Credit Corporations operating under the provisions of this title, in proportion to their total assets, an assessment sufficient to pay the expenses of the administration of this title for the ensuing half year, together with any deficit carried forward from the preceding half year. Each such corporation shall pay the amount so assessed against it to the Treasurer of the United States subject to the order of the Comptroller of the Currency to be disbursed by the Comptroller in payment of expenses incurred in the administration of this title.

(c) Examiners of National Agricultural Credit Corporations; appointment; compensation; laws applicable to—The Comptroller of the Currency shall have power to appoint and fix the compensation of examiners to examine National Agricultural Credit Corporations or to use national bank examiners for this purpose. All examiners appointed by him shall be subject to existing provisions of law relating to national bank examiners and to the provisions of the Federal Reserve Act which prohibit national bank examiners from performing any service for compensation for any bank or officer and from disclosing the names of borrowers or the collateral for loans without obtaining the written consent of the Comptroller of the Currency, and such provisions shall be held to apply to examiners appointed to examine corporations organized under the provisions of this title

(d) Expenses of examinations—The expense of all of the examinations of National Agricultural Credit Corporations shall be assessed by the Comptroller of the Currency upon the corporations examined in proportion to assets or resources held by the corporations upon the dates of examination of the various corporations. Provided, That a minimum charge of $50 shall be made for each such examination

(e) Loans or gratuities to examiners—The provisions of the Federal Reserve Act which prohibit any member bank from making loans or granting a gratuity to any national bank examiner shall be applicable to National Agricultural Credit Corporations

(f) Reports to Comptroller of Currency—National Agricultural Credit Corporations shall be required to make reports to the Comptroller of the Currency at the time and in the manner required by sections 5211 and 5212 of the Revised Statutes, and shall be subject to the provisions, so far as the same may be held by said Comptroller to be applicable, of section 5213 of the Revised Statutes

(g) Licenses to act as inspectors of live stock as basis for loans; suspension or revocation; false representations as to holding of license—The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent to inspect live stock as a basis for loans. The Secretary of Agriculture may suspend or revoke any license issued by him under this subdivision whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent, or has knowingly or carelessly made false or erroneous inspection reports with respect to any live stock, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has in any other manner shown himself to be unfit to act as a live-stock inspector. Pending investigation the Secretary of Agriculture, whenever he deems it necessary, may suspend a license temporarily without a hearing. It shall be unlawful for any person other than a holder of a license duly issued under this subdivision, or any person whose license has been suspended or revoked under the terms of this subdivision, to represent that he is a Federally licensed live-stock inspector, and any violation of this provision shall be punishable by a fine of not more than $1,000, or by imprisonment for not more than one year, or both.

(h) False statements in inspection reports—Any inspector licensed under the provisions of subdivisions (g) who makes any statement in any inspection report or to any person for the purpose of obtaining for himself, or any other person, any advance on the security of the live stock inspected, knowing the same to be false, or who willfully overvalues any security by which an advance is secured, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than five years, or both.

(i) Allotment to Department of Agriculture of amounts necessary for administration of functions vested therein—The Comptroller of the Currency shall allot to the Department of Agriculture from time to time such sums as may be estimated to

be necessary for the administration of the functions vested in that department by this title, and may ratably assess the same from time to time against National Agricultural Credit Corporations (March 4, 1923, c. 252, title II, § 209, 42 Stat. 1467)

See note to § 9835½, ante

BANKS MEMBERS OF THE FEDERAL RESERVE SYSTEM MAY BECOME STOCKHOLDERS

§ 9835½i. Applications for stock—Any member bank of the Federal reserve system may file application with the Comptroller of the Currency for permission to invest an amount not exceeding in the aggregate 10 per centum of its paid in capital stock and surplus in the stock of one or more of the National Agricultural Credit Corporations, and upon approval of such application may purchase such stock. The Comptroller of the Currency shall have discretion to approve or reject such application in whole or in part. (March 4, 1923, c. 252, title II, § 210, 42 Stat. 1469.)

See note to § 9835½, ante

TAXATION

§ 9835½j. State taxation—Taxation by a State of the shares in National Agricultural Credit Corporations, or of dividends derived therefrom, or of the income of said corporations, or real estate owned by them, shall be such only as is or may be authorized by law in the case of national banking associations; and taxation by a State of the debentures or other obligations of such corporations shall not be at a higher rate than the rate applicable to other moneyed capital in the hands of individual citizens thereof. (March 4, 1923, c 252, title II, § 211, 42 Stat. 1469)

See note to § 9835½, ante.

DEPOSITS

§ 9835½k. Deposits in Federal reserve member banks—The moneys of National Agricultural Credit Corporations may be kept on deposit subject to check in any member bank of the Federal reserve system. (March 4, 1923, c. 252, title II, § 212, 42 Stat. 1469.)

See note to § 9835½, ante.

CONVERSION OF CORPORATIONS

§ 9835½l (a) Conversion of state agricultural or live-stock financing corporations into National Agricultural Credit Corporations—Any agricultural or live-stock financing corporation incorporated by special law of any State or organized under the general laws of any State and having an unimpaired capital sufficient to entitle it to become a National Agricultural Credit Corporation may, by the vote of the shareholders owning not less than 51 per centum of the capital stock of such corporation, with the approval of the Comptroller of the Currency, be converted into a National Agricultural Credit Corporation under this title, with any name approved by the Comptroller of the Currency: Provided, That the said conversion shall not be in contravention of the State law.

(b) Same; articles of association and organization certificate—In such case the articles of association and organization certificate may be executed by a majority of the directors of the corporation, and the certificate shall declare that the owners of 51 per centum of the capital stock have authorized the directors to make such certificate and to change or convert the corporation into a National Agricultural Credit Corporation. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a National Agricultural Credit Corporation. The shares of any such corporation may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed.

(c) Same; effect—The Comptroller of the Currency has given to such corporation a certificate that the provisions of this title have been complied with, such corporation, and all its stockholders, owners, and employees, shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this title for corporations originally organized as National Agricultural Credit Corporations (March 4, 1923, c. 252, title II, § 213, 42 Stat. 1469.)

See note to § 9835½, ante.

CONSOLIDATION OF CORPORATIONS

§ 9835½m. (a) Procedure for consolidation; capital stock—Any two or more National Agricultural Credit Corporations, with the approval of the Comptroller of the Currency, may consolidate into one corporation under the charter of either or any of the existing corporations on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each corporation proposing to consolidate, such agreement to be ratified and confirmed by the affirmative vote of the shareholders of each of such corporations owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said corporation is located, and if no newspaper is published in the place then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least ten days prior to said meeting Provided, That the capital stock of such consolidated corporation shall not be less than $250,000 paid in if the corporations consolidated are organized to exercise the powers covered by section 203, or less than $1,000,000 paid in if the corporations consolidated are those organized under section 207.

(b) Dissenting stockholders—When such consolidation shall have been effected and approved by the Comptroller of the Currency any shareholder of either of the corporations so consolidated who has not voted for such consolidation may give notice to the board of directors of the corporation in which he is interested, within 20 days from the date of the certificate of approval of the Comptroller of the Currency, that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, one by the directors, and the third by the two so chosen, and in case the value so affixed shall not be satisfactory to the shareholder, he may within five days after being notified of the appraisal appeal to the Comptroller of the Currency, who shall cause a reappraisal to be made, which shall be final and binding; and if said reappraisal shall exceed the value affixed by said committee, the corporation shall pay the expense of the reappraisal, otherwise the appellant shall pay said expense; and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said share-

holder by said corporation, and the shares so paid shall be surrendered and after due notice sold at public auction within 30 days after the final appraisement provided for by this title

(c) Effect of consolidation—Where corporations consolidate under the provisions of this title, all of the rights, franchises, and interest of said corporations shall be consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, and shall be deemed to be transferred to and vested in the corporation into which it is consolidated without any deed or other transfer, and the said consolidated corporation shall hold and enjoy the same and all rights of property, franchises, and interest, in the same manner and to the same extent as they were held and enjoyed by the corporations so consolidated therewith (March 4, 1923, c 252, title II, § 214, 42 Stat. 1470.)

See note to § 9835½, ante

INSOLVENCY, RECEIVERSHIP, AND LIQUIDATION

§ 9835½n. (a) Receiver; appointment; powers—Whenever any National Agricultural Credit Corporation shall be dissolved and its rights, privileges, and franchises declared forfeited as prescribed in the preceding section, or whenever any creditor of any such corporation shall have obtained a judgment against it in any court of record and made application accompanied by a certificate from the clerk of the court, stating that such judgment has been rendered and has remained unpaid for the space of 30 days or whenever the Comptroller of the Currency shall become satisfied of the insolvency of such corporation, he may, after due examination of its affairs in either case, appoint a receiver who shall proceed to wind up the affairs of such corporation. The receiver so appointed shall exercise the powers and be subject to the restrictions of receivers of national banks; and the Comptroller of the Currency shall have the same powers and duties in connection with the administration of such receivership as he has in reference to the receivership of national banks.

(b) Shareholders' agents; powers—Shareholders' agents for shareholders of National Agricultural Credit Corporations may be appointed in the manner prescribed by section 3 of the Act of June 30, 1876, as amended, and shall have the same general powers and duties and be subject to the same restrictions as shareholders' agents of a national bank.

(c) Voluntary liquidation—Any National Agricultural Credit Corporation may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation by its president or cashier to the Comptroller of the Currency and publication thereof to be made for a period of two months in a newspaper published in the city or town in which the corporation is located, or if no newspaper is there published, in the newspaper published nearest thereto, that the corporation is closing up its affairs and notifying the creditors to present their claims against the corporation for payment All such claims shall be presented to and approved by a liquidating agent to be appointed by the board of directors of such corporation, with the approval of the Comptroller of the Currency, and the affairs of such corporation shall be liquidated by such agent and under the supervision of the Comptroller of the Currency. (March 4, 1923, c. 252, title II, § 215, 42 Stat. 1471.)

See note to § 9835½, ante

PENALTY PROVISIONS

§ 9835½o. (a) Embezzlement, etc., by officers, agents or employees; punishment—Any officer, director, agent, or employee of a National Agricultural Credit Corporation who embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of such corporation, or who, without authority from the directors, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such corporation with intent in any case to injure or defraud such corporation or any other company or person, or to deceive any officer of such corporation or the Comptroller of the Currency, or any agent or examiner appointed to examine the affairs of such corporation; and every receiver of such corporation who with like intent to defraud or injure embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of the corporation, and every person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed guilty of a misdemeanor, and upon conviction in any district court of the United States, shall be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, at the discretion of the court

(b) False statements to obtain advances, etc.; punishment—Whoever makes any statement, knowing it to be false, for the purpose of obtaining for himself or for any other person, firm, corporation, or association any advance, or extension or renewal of an advance, or any release or substitution of security, from a National Agricultural Credit Corporation, or for the purpose of influencing in any other way the action of such corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both

(c) Overvaluation of property offered as security; punishment—Whoever willfully overvalues any property offered as security for any such advance shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

(d) Offenses by examiners; punishment—Any examiner appointed under this title who shall accept a loan or gratuity from any organization examined by him, or from any person connected with any such organization in any capacity, or who shall disclose the names of borrowers to other than the proper officers of such organization, without first having obtained expressed permission in writing from the Comptroller of the Currency or from the board of directors of such organization, except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States or of either House thereof, or any committee of Congress or of either House duly authorized, shall be punished by a fine of not exceeding $5,000 or by imprisonment of not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this title. No examiner while holding such office shall perform any other service for compensation for any bank or banking or loan association or for any person connected therewith in any capacity.

(e) Receiving fee, commission, gift by officer, director, etc., of corporation; punishment—Whoever, being an officer, director, employee, agent or attorney of a National Agricultural Credit Corporation stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value from any person, firm, or corporation for procuring or

endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation any loan from any such corporation or extension or renewal of loan or substitution of security, or the purchase or discount or acceptance of any paper, note, draft, check, or bill of exchange by any such corporation, shall be deemed guilty of a misdemeanor and upon conviction shall be imprisoned for not more than one year or fined not more than $5,000, or both.

(f) Forging, counterfeiting, etc., debentures, coupons, etc., issued by corporations; punishment—Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any debentures, coupons, or other obligations in imitation of or purporting to be an imitation of the debentures, coupons, or other obligations issued by any National Agricultural Credit Corporation, and any person who shall pass, utter, or publish or attempt to pass, utter, or publish any false, forged, or counterfeited debenture, coupon, and other obligation purporting to be issued by any such corporation knowing the same to be falsely made, forged, or counterfeited, and any person who shall falsely alter or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such debenture, coupon, or other obligation, or who shall pass, utter, or publish as true any falsely altered or spurious debenture, coupon, or other obligation issued or purporting to have been issued by any such corporation knowing the same to be falsely altered or spurious shall be punished by a fine of not exceeding $5,000 or by imprisonment not to exceed five years, or both.

(g) Deceiving, defrauding, etc., as to character, issue, security, etc., of debenture, etc., issued by corporations; punishment—Any person who shall deceive, defraud, or impose upon or who shall attempt to deceive, defraud, or impose upon any person, partnership, corporation, or association by making any false pretense or representation concerning the character, issue, security, contents, conditions, or terms of any debenture, coupon, or other obligation issued under the terms of this title, shall be fined not exceeding $500, or imprisoned not to exceed one year, or both

(h) Unlawful use of words "National Agricultural Credit Corporation"; punishment—All corporations not organized under the provisions of this title are prohibited from using the words "National Agricultural Credit Corporation" as part of their corporate name, and any violation of this prohibition shall subject the party charged therewith to a civil penalty of $50 for each day during which the violation continues. (March 4, 1923, c. 252, title II, § 216, 42 Stat. 1471.)

See note to § 9835½, ante

RESERVATION OF RIGHT TO AMEND

§ 9835½p. Amendment, alteration, or repeal of title—The right to amend, alter, or repeal the provisions of this title is hereby expressly reserved. (March 4, 1923, c. 252, title II, § 217, 42 Stat. 1473.)

See note to § 9835½, ante.

SEPARABILITY PROVISION

§ 9835½q. Partial invalidity of act—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment is rendered. (March 4, 1923, c. 252, title V, § 507, 42 Stat. 1482.)

See notes to §§ 9835¼, 9835½, ante

DEFINITIONS

§ 9835½r. "Federal Farm Loan Act" and "Federal Reserve Act" defined—When used in this Act, the term "Federal Farm Loan Act" means the Federal Farm Loan Act approved July 17, 1916, as amended, and the term "Federal Reserve Act" means the Federal Reserve Act approved December 23, 1913, as amended (March 4, 1923, c. 252, title V, § 508, 42 Stat 1482)

See notes to §§ 9835¼, 9835½, ante

SHORT TITLE

§ 9835½s. Citation of act—This Act may be cited as the "Agricultural Credits Act of 1923" (March 4, 1923, c 252, title V, § 509, 42 Stat. 1482.)

This section is followed by the following statements
"And the Senate agrees to the same
"That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same"
See notes to §§ 9835¼, 9835½, ante.

TITLE LXIII—RIVERS, HARBORS, AND CANALS

Chapter A—Navigable Waters

§ 9855d. Little River, from Big Lake to Marked Tree—Little River, from Big Lake in Mississippi County to Marked Tree in Poinsett County, Arkansas, is hereby declared to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the protection of such waterways. (March 2, 1919, c. 95, § 4, 40 Stat 1287.)

This section is § 4 of the rivers and harbors appropriation act of 1919, cited above.

§ 9855e. Platte River, Missouri—The Platte River in the State of Missouri, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said river is hereby declared to be vested in the State of Missouri. (Feb 16, 1921, c. 62, § 1, 41 Stat. 1105)

This section, and the section next following, are an act entitled "An Act declaring the Platte River to be a nonnavigable stream," cited above

§ 9855f. Same; reservation of power to alter, amend, or repeal act—The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved. (Feb. 16, 1921, c. 62, § 2, 41 Stat. 1105)

See note to § 9855e, ante

§ 9855g. Bayou Cocodrie—Bayou Cocodrie, from its source to its junction with Bayou Chicot, in the State of Louisiana, is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters. (Feb 25, 1921, c. 71, § 1, 41 Stat. 1145.)

This section, and the section next following, are an act entitled "An Act to declare Bayou Cocodrie nonnavigable from its source to its junction with Bayou Chicot," cited above

§ 9855h. Same; reservation of power to alter, amend, or repeal act—The right to alter,

amend, or repeal this act is hereby expressly reserved (Feb 25, 1921, c 71, § 2, 41 Stat 1145)

See note to § 9855g, ante

§ 9855i. Lake George, Mississippi, nonnavigable—That Lake George, in Yazoo County, in the State of Mississippi, be, and the same is hereby, declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters (May 24, 1922, c. 198, § 1, 42 Stat 552)

This section, and the section next following, are an act entitled "An act declaring Lake George, Yazoo County, Mississippi, to be a nonnavigable stream," cited above

§ 9855j. Same; reservation of power to alter, amend, or repeal act—The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved. (May 24, 1922, c. 198, § 2, 42 Stat 552)

See note to § 9855i, ante.

§ 9855k. Tchula Lake, Mississippi, nonnavigable—That Tchula Lake, in Holmes County, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States (July 1, 1922, c. 266, § 1, 42 Stat. 816)

This section, and the section next following, are an act entitled "An act declaring Tchula Lake, Holmes County, Mississippi, to be a nonnavigable stream," cited above.

§ 9855l Same; reservation of power to alter, amend, or repeal act—The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved. (July 1, 1922, c 266, § 2, 42 Stat. 816)

See note to § 9855k, ante

§ 9855m. Part of South Branch of Chicago River, nonnavigable—All of that portion of the West Fork of the South Branch of the Chicago River in the county of Cook and State of Illinois, extending west from the west line of the Collateral Channel of the Sanitary District of Chicago, in the northwest quarter of section thirty-six, township thirty-nine north, range thirteen east of the third principal meridian, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. (Jan 24, 1923, c 33, § 1, 42 Stat. 1171.)

This section, and the section next following, are an act entitled "An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Illinois, to be a non-navigable stream," cited above.

§ 9855n. Same; reservation of power to alter, amend, or repeal act—The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved. (Jan. 24, 1923, c. 33, § 2, 42 Stat. 1171.)

See note to § 9855m, ante.

§ 9855o. Bear Creek, Mississippi, nonnavigable—Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and the laws of the United States. (March 3, 1923, c. 229, § 1, 42 Stat. 1442)

This section, and the section next following, are an act entitled "An act declaring Bear Creek in Humphreys, Leflore, and Sunflower counties, Mississippi, to be a nonnavigable stream," cited above

§ 9855p. Same; reservation of power to alter, amend, or repeal act—The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved. (March 3, 1923, c 229, § 2, 42 Stat. 1442)

See note to § 9855o, ante.

§ 9855q. Discontinuance of old channel of south branch of Chicago river on completion of new channel—As soon as the city of Chicago, or any other governmental agency or any corporation thereunto duly authorized by the Secretary of War, shall have constructed a new channel for the south branch of the Chicago River between West Polk Street and West Nineteenth Street in said city of Chicago, then, and in that event, so much of the present channel of the south branch of the Chicago River as shall be superseded and replaced by said new channel in accordance with the permit of the Secretary of War shall be discontinued and abandoned (June 7, 1924, c. 337, 43 Stat 646)

This section is an act entitled "An act for the abandonment of a portion of the present channel of the south branch of the Chicago River," cited above.

§ 9855r. Part of Black Warrior River known as Lake Bankhead—The portion of Black Warrior River between Dam Numbered 17 and the junction of Locust and Mulberry Forks, in the State of Alabama, shall hereafter be known as Lake Bankhead (March 3, 1925, c. 467, § 14, 43 Stat. 1197)

This section is section 14 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

§ 9855s. Name of Grand River changed to Colorado River—From and after the passage of this Act the river heretofore known as the Grand River, from its source in the Rocky Mountain National Park in Colorado to the point where it joins the Green River in the State of Utah and forms the Colorado River, shall be known and designated on the public records as the Colorado River. (July 25, 1921, c. 52, § 1, 42 Stat 146)

This section, and the section next following, are a resolution entitled a "Joint Resolution to change the name of Grand River in Colorado and Utah to Colorado River," cited above

§ 9855t. Same; effect—The change in the name of said river shall in nowise affect the rights of the State of Colorado, the State of Utah, or of any county, municipality, corporation, association, or person; and all records, surveys, maps, and public documents of the United States in which said river is mentioned or referred to under the name of the Grand River shall be held to refer to the said river under and by the name of the Colorado River. (July 25, 1921, c. 52, § 2, 42 Stat. 146.)

See note to § 9855s, ante.

§ 9857a. Jurisdiction of offenses on waters forming boundaries of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska—The consent of the Congress is hereby given to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of them, by such agreement or compact as they may deem desirable or necessary, or as may be evidenced by legislative acts enacted by any two or more of said States, not in conflict with the Constitution of the United States or any law thereof, to determine and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of any of said States upon any of the waters forming the boundary lines between any two or more of said States, or waters through which such boundary line extends, and that the consent of the Congress be, and the same is hereby, given to the concurrent jurisdiction agreed to by the States of Minnesota and South Dakota, as evidenced by the act of the legislature of the State of Minnesota approved April 20, 1917, and the act of the legislature of the State of South Dakota approved February 13, 1917. (March 4, 1921, c. 158, 41 Stat. 1366.)

This is a resolution entitled a "Joint Resolution giving consent of the Congress of the United States to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States," cited above

§ 9862a. Regulations of use of navigable waters; to prevent injuries from Coast Artillery fire—In the interest of the national defense, and for

the better protection of life and property on said waters, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving grounds at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications, or by any plant or facility engaged in the execution of any public project of river and harbor improvement, and the said Secretary shall have like power to regulate the transportation of explosives upon any of said waters: Provided, That the authority hereby conferred shall be so exercised as not unreasonably to interfere with or restrict the food fishing industry, and the regulations prescribed in pursuance hereof shall provide for the use of such waters by food fishermen operating under permits granted by the War Department (July 9, 1918, c. 143, subchapter XIX, § 1, 40 Stat. 892)

This section, and the three sections next following, are a part of the Army appropriation act for the fiscal year 1919, subchapter XIX thereof, cited above. This section, and the section next following, supersede similar provisions of Act Aug 8, 1917, c. 49, § 8, 40 Stat 266

§ 9862b. Same; to prevent injuries from Coast Artillery fire; detail of vessels to enforce—To enforce the regulations prescribed pursuant to this chapter, the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department (July 9, 1918, c 143, subchapter XIX, § 2, 40 Stat 893)

See note to § 9862a.

§ 9862c. Same; to prevent injuries from Coast Artillery fire; posting and violation of regulations—The regulations made [by] the Secretary of War pursuant to this Chapter shall be posted in conspicuous and appropriate places, designated by him, for the information of the public; and every person who and every corporation which shall willfully violate any regulations made by the said Secretary pursuant to this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court (July 9, 1918, c. 143, subchapter XIX, § 3, 40 Stat. 893.)

See note to § 9862a

§ 9862d. Same; to prevent injuries from Coast Artillery fire; venue and jurisdiction of offenses; procedure—Offenses against the provisions of this Chapter, or any regulation made pursuant thereto, committed in any Territory or other place subject to the jurisdiction of the United States where there is no court having general jurisdiction of crimes against the United States, shall be cognizable in any court of such place or Territory having original jurisdiction of criminal cases in the place or Territory in which the offense has been committed, with the same right of appeal in all cases as is given in other criminal cases where imprisonment not exceeding six months forms a part of the penalty, and jurisdiction is hereby conferred upon such courts and such courts shall exercise the same for such purposes; and in case any such offense be committed beyond the territorial jurisdiction of any court having jurisdiction thereof, the offense shall be deemed and held to have been committed within the jurisdiction in which the offender may be found or into which he is first brought, and shall be tried by the court having jurisdiction thereof (July 9, 1918, c. 143, subchapter XIX, § 4, 40 Stat 893)

See note to § 9862a

Chapter B—Improvements of Rivers and Harbors

§ 9866a. Preliminary examinations not to be made except when designated—No preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made (March 2, 1919, c. 95, § 6, 40 Stat 1287. Sept 22, 1922, c 427, § 12, 42 Stat. 1043. March 3, 1925, c. 467, § 8, 43 Stat 1191.)

This section is a part of § 82 of "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above A similar provision is contained in prior acts

§ 9866aa. Projects; consideration by committees of Congress; limitation on—Hereafter no project shall be considered by any committee of Congress with a view to its adoption, except with a view to a survey, if five years have elapsed since a report upon a survey of such project has been submitted to Congress pursuant to law. (Sept. 22, 1922, c 427, § 9, 42 Stat. 1043.)

This section is section 9 of the rivers and harbors appropriation act of 1918, cited above

§ 9866aaa. Work may be prosecuted by direct appropriations or by continuing contracts—Any work of improvement herein adopted, and any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts. (Sept 22, 1922, c. 427, § 10, 42 Stat. 1043)

This section is § 10 of the rivers and harbors appropriation act for the year 1922, cited above

§ 9866aaaa. Statements by owners, agents, etc., of vessels as required by Secretary of War; penalty for refusal, etc.—Owners, agents, masters, and clerks of vessels and other craft plying upon the navigable waters of the United States, and all individuals and corporations engaged in transporting their own goods upon the navigable waters of the United States, shall furnish such statements relative to vessels, passengers, freight, and tonnage as may be required by the Secretary of War. Provided, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information

That every person or persons offending against the provisions of this section shall, for each and every offense, be liable to a fine of $100, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed. (Sept. 22, 1922, c. 427, § 11, 42 Stat 1043.)

This section is § 11 of the rivers and harbors appropriation act for the year 1922, cited above

§ 9866b. Supplemental reports without order by concurrent resolution prohibited—After the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law. (March 2, 1919, c. 95, § 6, 40 Stat.

1287. Sept. 22, 1922, c. 427, § 12, 42 Stat. 1043. March 3, 1925, c. 467, § 8, 43 Stat 1191)

This section is a provision of § 8 of "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above A somewhat similar provision is contained in prior laws

§ 9866bb. Projects not to be deemed entered upon until appropriations made—The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this Act until funds for the commencement of the proposed work shall have been actually appropriated by law (March 2, 1919, c. 95, § 6, 40 Stat. 1287 Sept 22, 1922, c 427, § 12, 42 Stat. 1043. March 3, 1925, c 467, § 8, 43 Stat. 1191.)

This section is a provision of § 8 of "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above A similar provision is contained in prior acts

§ 9871a. Reports of examinations and surveys; statements of special or local benefits—Every report submitted to Congress in pursuance of this section or of any provision of law for a survey hereafter enacted, in addition to other information which the Congress has heretofore directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit (June 5, 1920, c 252, § 2, 41 Stat 1010.)

This section is a provision of the rivers and harbors appropriation act for the year 1921, cited above

§ 9871aa. Report on projects for discontinuance or curtailment—The Chief of Engineers is directed to make a report upon all river and harbor projects heretofore adopted, the further improvement of which under present conditions is undesirable or in which curtailment of the plans or projects should be made (March 3, 1925, c. 467, § 7, 43 Stat. 1191)

This section is section 7 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

§ 9874a. Report of water terminal and transfer facilities—Hereafter the Chief of Engineers, United States Army, shall indicate in his annual reports the character of the terminal and transfer facilities existing on every harbor or waterway under maintenance or improvement by the United States, and state whether they are considered adequate for existing commerce. He shall also submit one or more special reports on this subject, as soon as possible, including, among other things, the following.

(a) A brief description of such water terminals, including location and the suitability of such terminals to the existing traffic conditions, and whether such terminals are publicly or privately owned, and the terms and conditions under which they may be subjected to public use

(b) Whether such water terminals are connected by a belt or spur line of railroad with all the railroads serving the same territory or municipality, and whether such connecting railroad is owned by the public and the conditions upon which the same may be used, and also whether there is an interchange of traffic between the water carriers and the railroad or railroads as to such traffic which is carried partly by rail and partly by water to its destination, and also whether improved and adequate highways have been constructed connecting such water terminal with the other lines of highways

(c) If no water terminals have been constructed by the municipality or other existing public agency there shall be included in his report an expression of opinion in general terms as to the necessity, number, and appropriate location of such a terminal or terminals.

(d) An investigation of the general subject of water terminals, with descriptions and general plans of terminals of appropriate types and construction for the harbors and waterways of the United States suitable for various commercial purposes and adapted to the varying conditions of tides, floods, and other physical characteristics. (July 18, 1918, c. 155, § 7, 40 Stat. 911.)

This section is section 7 of the rivers and harbors appropriation act of 1918, cited above.

§ 9874b. Terminals for new or existing projects—It is hereby declared to be the policy of the Congress that water terminals are essential at all cities and towns located upon harbors or navigable waterways and that at least one public terminal should exist, constructed, owned, and regulated by the municipality, or other public agency of the State and open to the use of all on equal terms, and with the view of carrying out this policy to the fullest possible extent the Secretary of War is hereby vested with the discretion to withhold, unless the public interests would seriously suffer by delay, monies appropriated in this Act for new projects adopted herein, or for the further improvement of existing projects if, in his opinion, no water terminals exist adequate for the traffic and open to all on equal terms, or unless satisfactory assurances are received that local or other interests will provide such adequate terminal or terminals The Secretary of War, through the Chief of Engineers, shall give full publicity, as far as may be practicable, to this provision (March 2, 1919, c. 95, § 1, 40 Stat. 1286)

This section is a part of § 1 of the rivers and harbors appropriation act of 1919, cited above.

§ 9877a. Per diem in lieu of subsistence to persons in field work or traveling outside District of Columbia—Hereafter when the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department, a per diem of not exceeding $4 may be allowed in lieu of subsistence when not otherwise fixed by law. (July 18, 1918, c. 155, § 9, 40 Stat 912.)

This section is section 9 of the rivers and harbors appropriation act of 1918, cited above.

§ 9877aa. Mileage of and allowances to officers of Corps of Engineers on change of station payable from appropriation for river and harbor improvements—Hereafter, when in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements. (March 3, 1925, c. 467, § 5, 43 Stat. 1191.)

This section is a part of section 5 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

§ 9878a. Condemnation of land for river and harbor improvements; immediate possession—Whenever the Secretary of War, in pursuance of authority conferred on him by law, causes proceedings to be instituted in the name of the United States for the acquirement by condemnation of any lands, easements, or rights of way needed for a work of river and harbor improvements duly authorized by Congress, the United States, upon the filing of the petition in any such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and proceed with such public works thereon

as have been authorized by Congress: Provided, That certain and adequate provision shall have been made for the payment of just compensation to the party or parties entitled thereto, either by previous appropriation by the United States or by the deposit of moneys or other form of security in such amount and form as shall be approved by the court in which such proceedings shall be instituted The respondent or respondents may move at any time in the court to increase or change the amounts or securities, and the court shall make such order as shall be just in the premises and as shall adequately protect the respondents In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that such compensation may be promptly ascertained and paid. (July 18, 1918, c 155, § 5, 40 Stat 911)

This section, and the section next following, are sections 5 and 6 of the rivers and harbors appropriation act of 1918, cited above.

§ 9878b. Same; benefits to property not taken—In all cases where private property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, where a part only of any such parcel, lot, or tract of land shall be taken, the jury or other tribunal awarding the just compensation or assessing the damages to the owner, whether for the value of the part taken or for any injury to the part not taken, shall take into consideration by way of reducing the amount of compensation or damages any special and direct benefits to the remainder arising from the improvement, and shall render their award or verdict accordingly. (July 18, 1918, c. 155 § 6, 40 Stat. 911.)

See note to § 9878a

§ 9883a. Use of appropriations; contract price in excess of estimated cost—No part of the funds herein or hereafter appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per centum in excess of the estimated cost of doing the work by Government plant: Provided, That in estimating the cost of doing the work by Government plant, including the cost of labor and materials, there shall also be taken into account proper charges for depreciation of plant and all supervising and overhead expenses and interest on the capital invested in the Government plant, but the rate of interest shall not exceed the maximum prevailing rate being paid by the United States on current issues of bonds or other evidences of indebtedness. (March 2, 1919, c. 95, § 8, 40 Stat. 1290.)

This section is § 8 of the rivers and harbors appropriation act for 1919, cited above It has been repeated in prior appropriation acts.

§ 9886b. Increased cost of improvements—The Secretary of War is hereby authorized to ascertain whether any of the contracts for work on river and harbor improvements entered into but not completed prior to April 6, 1917, the date of the entrance of the United States into war with Germany, have become inequitable and unjust on account of increased cost of materials, labor, and other unforeseen conditions arising out of the war; and to ascertain and report what amounts, if any, in addition to those fixed by the terms of said contracts, should in justice and equity be paid to contractors, for work performed between April 6, 1917, and July 18, 1918, the date of the approval of an Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," on account of the increased cost of labor and materials and other unforeseen conditions arising out of the war during that period Provided, That in every case the amount so ascertained shall not exceed the actual loss sustained by the contractor in performing the work between the said dates Provided further, That when such amount shall have been ascertained, the Secretary of War shall transmit to Congress for consideration a statement or statements of all findings or determinations rendered by authority of this section, the amounts thereof, the names of contractors, and dates of contracts. (March 2, 1919, c. 95, § 10, 40 Stat 1290)

This section is § 10 of the rivers and harbors appropriation act for 1919, cited above It has been repeated in similar language in prior appropriation acts Act July 18, 1918, c. 155, § 8, 40 Stat 912, contained such a provision which read as follows "If the Secretary of War shall determine that any of the contracts for work of river and harbor improvements entered into but not completed prior to April sixth, nineteen hundred and seventeen, the date of the entrance of the United States into the war with Germany, have become inequitable and unjust on account of increased costs of materials and labor and other unforeseen conditions arising out of the war, he is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of said contracts in such manner as he may deem equitable and just Provided, That such modifications and readjustments shall apply only to work under said contracts remaining to be done hereafter and shall not include any relief for work performed heretofore under said contracts, and any such sum as may be necessary to provide for the increased cost of the contracts due to said modifications and readjustments, not exceeding the sum of $2,000,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated Provided further, That as a condition of any such contract being so modified, the Secretary of War shall have the right, at the end of any fiscal year, until the contract is completed, to make such further modifications as in his judgment shall be advantageous to the United States and just to the contractor"

§ 9886bb. Same; time limit for filing applications for relief—The time within which applications for relief under the provisions of section 10 of the River and Harbor Act approved March 2, 1919, may be filed by contractors with the Secretary of War, or with district engineers, or other contracting officials of the Engineer Department, is hereby limited to six months after the date of the approval of this Act. (June 5, 1920, c 252, § 5, 41 Stat. 1014)

This section is § 5 of the rivers and harbors appropriation act of 1921, cited above
For Act March 2, 1919, c. 95, § 10, referred to in this section, see ante, § 9886b.

§ 9890a. Use of previously appropriated and unexpended funds for preservation and maintenance of existing works, etc.—Funds heretofore appropriated for improvement of rivers and harbors and which remain in the Treasury unexpended because the work or projects for which the same were appropriated have been completed, are hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preservation and maintenance of any existing river and harbor works and for the prosecution of such projects of improvement heretofore adopted and authorized as may be most desirable in the interests of commerce and navigation. (Sept. 22, 1922, c. 427, § 6, 42 Stat. 1042.)

This section is § 6 of the rivers and harbors appropriation act for the year 1922, cited above
Act June 5, 1920, c. 252, § 7, 41 Stat. 1014, reads as follows "Appropriations heretofore or herein made for works of river and harbor improvements, or so much thereof as shall be necessary, may, in the discretion of the Secretary of War, be used for maintenance and for the repair and restoration of said works whenever from any cause they may have become seriously impaired, as well as for the further authorized improvement of said works: Provided, That no appropriation shall be diverted from one project to another."

§ 9891a. Hiring of dredging plants—In all cases where the project for a work of river or harbor improvement, heretofore, herein, or hereafter authorized, provides for the construction or use of Government dredging plant, the Secretary of War may,

in his discretion, have the work done by contract if reasonable prices can be obtained. (March 2, 1919, c 95, § 3, 40 Stat 1287)

This section is § 3 of the rivers and harbors appropriation act for 1919, cited above It supersedes a somewhat similar provision in Act Aug. 8, 1917, c 49, § 3, 40 Stat 261

§ 9891aa. Construction of seagoing hopper dredges—That the Secretary of War be, and he is hereby, authorized to construct six seagoing hopper dredges for use in improvement and maintenance work on authorized projects on the Atlantic, Pacific, and Gulf coasts, the cost of said dredges to be paid from appropriations heretofore made, or to be hereafter made, for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation: Provided, That the limit of cost of each of the dredges herein authorized shall not exceed the sum of $750,000 Provided further, That no money authorized to be expended for the acquirement of any dredge or dredges shall be so expended for the purchase of any dredge or dredges from private contractors, which at the time of the proposed purchase can be manufactured at any navy yard or other Government owned factory for a sum less than it can be purchased for from such private contractor. (Sept. 22, 1922, c. 427, § 5, 42 Stat. 1042)

This section is § 5 of the rivers and harbors appropriation act for the year 1922, cited above

§ 9891c. Private funds for improvements; repayment—Whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement duly adopted and authorized by law the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is hereby authorized and directed to repay without interest, from appropriations which may be provided by Congress for river and harbor improvements, the moneys so contributed and expended: Provided, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, nor under the authority of section 4 of the River and Harbor Act, approved March 4, 1915, shall be made. (March 3, 1925, c. 467, § 11, 43 Stat 1197)

This section is section 11 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above

§ 9899. Injuries by vessels engaged on river and harbor work by collision with other vessel or pier; accidents and loss of property—Whenever any vessel belonging to or employed by the United States engaged upon river and harbor works collides with and damages another vessel, pier, or other legal structure belonging to any person or corporation, and whenever, in the prosecution of river and harbor works, an accident occurs damaging or destroying property belonging to any person or corporation, and whenever personal property of employees of the United States, who are employed on or in connection with river and harbor works, is damaged or destroyed in connection with the loss, threatened loss, or damage to United States property, or through efforts to save life or to preserve United States property, the Chief of Engineers shall cause an immediate examination to be made, and if, in his judgment, the facts and circumstances are such as to make the whole or any part of the damages or destruction a proper charge against the United States, the Chief of Engineers, subject to the approval of the Secretary of War, shall have authority to adjust and settle all claims for damages or destruction caused by the above designated collisions, accidents, and so forth, in cases where the damage or expense does not exceed $500, and pay the same from the appropriation directly involved, and to report such as exceed $500 to Congress for its consideration (June 25, 1910, c 382, § 4, 36 Stat 676, amended, June 5, 1920, c. 252, § 9, 41 Stat 1015.)

This section was amended by Act June 5, 1920, c 252, § 9, cited above, to read as set forth above For this section prior to this amendment, see U S Comp St 1918, § 9899

§ 9908b. Compilation of laws relating to river and harbor improvements—The laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the second session of the Sixty-eighth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that six hundred additional copies shall be printed for the use of the War Department (June 5, 1920, c. 252, § 6, 41 Stat 1014, amended, March 3, 1925, c. 467, § 4, 43 Stat 1190)

This section was amended by Act March 3, 1925, c. 467, § 4, cited above, by including in the compilation the laws of the 67th & 68th Congresses

Chapter C—Preservation and Protection of Rivers and Harbors and of Improvements

OIL POLLUTION OF COASTAL NAVIGABLE WATERS

§ 9946½. Citation of act—This Act may be cited as the "Oil Pollution Act, 1924." (June 7, 1924, c 316, § 1, 43 Stat 604)

This section, and the eight sections next following, are an act entitled "An act to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States," cited above

§ 9946½a. Definitions—When used in this Act, unless the context otherwise requires—

(a) The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse;

(b) The term "person" means an individual, partnership, corporation, or association, any owner, master, officer or employee of a vessel; and any officer, agent, or employee of the United States;

(c) The term "coastal navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact in which the tide ebbs and flows;

(d) The term "Secretary" means the Secretary of War. (June 7, 1924, c. 316, § 2, 43 Stat. 604.)

See note to § 9946½, ante

§ 9946½b. Acts prohibited—Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any method, means, or manner into or upon the coastal navigable waters of the United States from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements and such as may be required under the laws of the United States and the rules and regulations prescribed thereunder. The Secretary is authorized and empowered to prescribe regulations permitting the discharge of oil from vessels in such quantities, under such conditions, and at such times and places as in his opinion will not be

deleterious to health or sea food, or a menace to navigation, or dangerous to persons or property engaged in commerce on such waters, and for the loading, handling, and unloading of oil. (June 7, 1924, c. 316, § 3, 43 Stat. 605)

See note to § 9946½, ante.

§ 9946½c. Violations of act; punishment; pecuniary penalty; withholding clearance; lien and recovery of penalty—Any person who violates section 3 of this Act, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year nor less than thirty days, or by both such fine and imprisonment, for each offense. And any vessel (other than a vessel owned and operated by the United States) from which oil is discharged in violation of section 3 of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such vessel from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. (June 7, 1924, c. 316, § 4, 43 Stat. 605)

See note to § 9946½, ante.

§ 9946½d. Revocation or suspension of license of master or officer of offending vessel—A board of local inspectors of vessels may, subject to the provisions of section 4450 of the Revised Statutes, and of the Act entitled "An Act to provide for appeals from decisions of local inspectors of vessels, and for other purposes." approved June 10, 1918, suspend or revoke a license issued by any such board to the master or other licensed officer of any vessel found violating the provisions of section 3 of this Act. (June 7, 1924, c. 316, § 5, 43 Stat 605.)

See note to § 9946½, ante

§ 9946½e. Time of taking effect of penalty provisions of act—No penalty, or the withholding of clearance, or the suspension or revocation of licenses, provided for herein, shall be enforced for any violation of this Act occurring within three months after its passage. (June 7, 1924, c. 316, § 6, 43 Stat. 605.)

See note to § 9946½, ante.

§ 9946½f. Personnel for enforcement of act; arrests and procedure thereon—In the administration of this Act the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors, and in the enforcement of existing laws for the preservation and protection of navigable waters. And for the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements, and the assistant engineers and inspectors employed under them by authority of the Secretary, and officers of the Customs and Coast Guard Service of the United States, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: Provided, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: And provided further, That whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. (June 7, 1924, c. 316, § 7, 43 Stat 605)

See note to § 9946½, ante

§ 9946½g. Act additional to existing laws—This Act shall be in addition to the existing laws for the preservation and protection of navigable waters and shall not be construed as repealing, modifying, or in any manner affecting the provisions of those laws. (June 7, 1924, c. 316, § 8, 43 Stat 606)

See note to § 9946½, ante

§ 9946½h. Investigations by Secretary of War—The Secretary is authorized and directed to make such investigation as may be necessary to ascertain what polluting substances are being deposited into the navigable waters of the United States, or into nonnavigable waters connecting with navigable waters, to such an extent as to endanger or interfere with navigation or commerce upon such navigable waters or the fisheries therein, and with a view to ascertaining the sources of such pollutions and by what means they are deposited; and the Secretary shall report the results of his investigation to the Congress not later than two years after the passage of this Act, together with such recommendations for remedial legislation as he deems advisable. Provided, That funds appropriated for examinations, surveys, and contingencies of rivers and harbors may be applied to paying the cost of this investigation, and, to adequately provide therefor, the additional sum of not to exceed $50,000 is hereby authorized to be appropriated for examinations, surveys, and contingencies of rivers and harbors (June 7, 1924, c. 316, § 9, 43 Stat. 606.)

See note to § 9946½, ante

Chapter D—Anchorage Regulations

§ 9951a. Establishment and maintenance of markings for anchorage grounds—Hereafter the Commissioner of Lighthouses shall provide, establish, and maintain, out of the annual appropriations for the Lighthouse Service, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with the laws of the United States. (Sept 15, 1922, c 313, 42 Stat 844)

This section is an act entitled "An act to provide for the marking of anchorage grounds in waters of the United States," cited above.

Chapter F—Dams and Water Power

§ 9989j. Niagara River; temporary permits for diversion of water—The Secretary of War be, and he is hereby, authorized to issue permits, revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, in quantities which in no event shall exceed in the aggregate a daily diversion at the rate of twenty thousand cubic feet per second: Provided, That this resolution shall remain in force until the 1st day of July, 1920, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked, or unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara River, in which event this resolution shall cease to be of any further force or effect.

Any individuals, companies, or corporations violating any of the provisions of said permits, or diverting water from said river above the Falls for the

creation of power, except under a permit issued under the authority of this law, shall be guilty of a misdemeanor and be punished by a fine not exceeding $2,000 nor less than $500, or by imprisonment not exceeding one year nor less than thirty days, or both in the discretion of the court, and each and every day on which such violation occurs or is committed shall be deemed a separate offense: Provided, That where such violation is charged against the company or corporate body, the offense shall be taken and deemed to be that of any director, officer, agent, or employee of such company or corporate body ordering, directing, or permitting the same (July 12, 1919, c. 23, 41 Stat 163)

This section is a resolution entitled a "Joint Resolution authorizing the Secretary of War to issue permits for the diversion of water from the Niagara River," cited above Res June 29, 1918, c 111, 40 Stat 633, is in the same language as the above section, except that it ceased to be operative July 1, 1919

§ 9991a. Dam, etc., in Lake Traverse in the Boise de Sioux River, Red River of the North, and Lake Traverse; construction by drainage districts, etc., in Minnesota, North Dakota, and South Dakota; approval of plans—The drainage districts and other municipal authorities of the States of Minnesota, North Dakota, and South Dakota, or any one or more of them now or hereafter organized and existing under the laws of said States, are hereby authorized to construct a dam at or near the outlet of Lake Traverse in the Boise de Sioux River, together with such dikes, spillways, diversion channels, and other works in said river and lake, and the Red River of the North, as such districts or municipal authorities, or any of them, may agree upon as necessary for the prevention and control of floods, the improvement of navigation, and the drainage of lands, and for that purpose may deepen and straighten any parts of said rivers Provided, That plans for the work hereby authorized shall be submitted to the Secretary of War and the Chief of Engineers for their approval, and unless and until approved by them, no part of such work shall be built or commenced. (June 5, 1920, c 266, § 1, 41 Stat 1059)

This section, and the section next following, are an act entitled "An act to authorize the construction of flood control and improvement works in Boise de Sioux River, the Red River of the North, and Lake Traverse, between the States of Minnesota, North Dakota, and South Dakota," cited above.

§ 9991b. Same; amendment, etc., of act—The right to alter, amend, or repeal this Act is hereby reserved. (June 5, 1920, c. 266, § 2, 41 Stat. 1060.)

See note to § 9991a, ante.

§ 9992a. Dam in Tallahatchie river; authority to construct; purposes for which usable—The consent of Congress is hereby granted to the Panola-Quitman Drainage District to construct, maintain, and operate a dam in Tallahatchie River, at or near Porters Ferry, Panola County, Mississippi: Provided, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: Provided further, That this Act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy (June 3, 1924, c 236, § 1, 43 Stat. 355)

This section, and the two sections next following, are an act entitled "An act granting the consent of Congress to the Panola-Quitman Drainage District to construct, maintain, and operate a dam in Tallahatchie River," cited above.

§ 9992b. Same; commencement and completion of dam; termination of authority upon notice; use of dam by others—The authority granted by this Act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this Act Provided, That from and after thirty days' notice from the Federal Power Commission, or other authorized agency of the United States, to said drainage district, or its successor, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end, and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam. (June 3, 1924, c. 236, § 2, 43 Stat. 356)

See note to § 9992a, ante

§ 9992c. Same; repeal, etc., of act—The right to alter, amend, or repeal this Act is expressly reserved. (June 3, 1924, c. 236, § 3, 43 Stat. 356)

See note to § 9992a, ante

FEDERAL WATER POWER ACT

§ 9992¼. Federal Power Commission; members; quorum; seal; chairman—A commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission. (June 10, 1920, c 285, § 1, 41 Stat. 1063.)

This section, and §§ 9992¼a, 9992¼aa, 9992¼b, 9992¼bb, 9992¼c, 9992¼cc-9992¼qq, post, are an act entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power; the use of the public land in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes," cited above

§ 9992¼a. Same; executive secretary; appointment; salary; duties; engineer officer—The commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission (June 10, 1920, c. 285, § 2, 41 Stat. 1063.)

See note to § 9992¼, ante

§ 9992¼aa. Same; work of Commission, how performed—The work of the Commission shall be performed by and through the Departments of War Interior, and Agriculture and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law. (June 10, 1920, c 285, § 2, 41 Stat. 1063)

See note to § 9992¼, ante

§ 9992¼aaa. Estimate of cost of examinations, surveys, etc., of navigable streams for improvement thereof—The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States, and their tributaries, whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such

streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: Provided, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein. (March 3, 1925, c. 467, § 3, 43 Stat 1190)

This section is section 3 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above

§ 9992¼b. Same; expenses; payment; appropriation for—All the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $4 in lieu of subsistence incurred by its employees under its orders in making any investigation, or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for that purpose, and in order to defray the expenses made necessary by the provisions of this Act there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury upon order of the commission (June 10, 1920, c. 285, § 2, 41 Stat. 1063)

See note to § 9992¼, ante.

§ 9992¼bb. Definitions—The words defined in this section shall have the following meanings for the purposes of this Act, to wit:

"Public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws It shall not include "reservations," as hereinafter defined.

"Reservations" means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose.

"Corporation" means a corporation organized under the laws of any State or of the United States empowered to develop, transmit, distribute, sell, lease, or utilize power in addition to such other powers as it may possess, and authorized to transact in the State or States in which its project is located all business necessary to effect the purposes of a license under this Act. It shall not include "municipalities" as hereinafter defined.

"State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

"Municipality" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

"Navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality

"Government dam" means a dam or other work, constructed or owned by the United States for Government purposes, with or without contribution from others

"Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands, the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

"Project works" means the physical structures of a project.

"Net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created The term "cost" shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall in so far as applicable be published and promulgated as a part of the rules and regulations of the commission. (June 10, 1920, c. 285, § 3, 41 Stat. 1063)

See note to § 9992¼, ante

§ 9992¼c. Powers of Commission—The commission is hereby authorized and empowered—

(a) Investigations and data; statements of licensees in projects; access to projects, maps, etc.—To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent

the commission may deem necessary or useful for the purposes of this Act

In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands The commission shall deposit one of said statements with the Secretary of the Treasury The licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto.

(b) Cooperation with executive departments; information furnished to—To cooperate with the executive departments and other agencies of State or National Governments in such investigations, and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

(c) Publication of information, etc.; reports—To make public from time to time the information secured hereunder, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use The commission, on or before the first Monday in December of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this Act, and in each case the parties thereto, the terms prescribed, and the moneys received, if any, on account thereof.

(d) Issue of licenses for construction, etc., of dams, conduits, reservoirs, etc., for development, improvement, etc., of navigation and water power; licenses in reservations; approval of plans; findings; notice of applications for license—To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State, or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: Provided, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: Provided further, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting the navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate of foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: Provided further, That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to the passage of this Act: And provided further, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (e) of this section, notice shall be given and published as required by the proviso of said subsection

(e) Preliminary permits to applicants for licenses; notice of application for—To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 9 hereof: Provided, however, That upon the filing of any application for a preliminary permit by any person, association, or corporation the commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application for eight weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated.

(f) Rules and regulations for accounts of licensees; statements and reports by licensees; false entries in accounts; false statements in reports; punishment—To prescribe rules and regulations for the establishment of a system of accounts and for the maintenance thereof by licensees hereunder, to examine all books and accounts of such licensees at any time, to require them to submit at such time or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, net investment and reduction thereof, gross receipts, interest due and paid, depreciation and other reserves, cost of project, cost of maintenance and operation of the project, cost of renewals and replacements of the project works, and as to depreciation of the project works and as to production, transmission, use and sale of power; also to require any licensee to make adequate provision for currently determining said costs and other facts. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require. Any person who, for the purpose of deceiving, makes or causes to be made any false entry in the books or the accounts of such licensee, and any person who, for the purpose of deceiving, makes or causes to be made any false statement or report in response to a request or order or direction from the commission for the statements and report herein referred to shall, upon conviction, be fined not more than $2,000 or imprisoned not more than five years, or both.

(g) Hearings; testimony; witnesses; documentary evidence; administration of oaths; depositions; fees and mileage of witnesses—To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the application for any permit or license, or the regulation of rates, service, or securities, or the making of any investigation, as provided in this Act; and to require by subpœna, signed by any member of the commission, the attendance and testimony of witnesses and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence Any member, expert, or examiner of the commission may, when duly designated by the commission for such purposes, administer oaths and affirmations, examine witnesses and receive evidence Depositions may be taken before any person designated by the commission or by its executive secretary and empowered to administer oaths, shall be reduced to writing by such person or under his direction, and subscribed by the deponent. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States

(h) Further powers—To perform any and all acts, to make such rules and regulations, and to issue such orders not inconsistent with this Act as may be necessary and proper for the purpose of carrying out the provisions of this Act. (June 10, 1920, c. 285, § 4, 41 Stat. 1065.)

See note to § 9992¼, ante.

§ 9992¼c(1). Specific authority of Congress required for permits, licenses, etc., for dams, conduits, etc., within national parks and monuments; certain powers of Commission revoked—Hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power, within the limits as now constituted of any national park or national monument shall be granted or made without specific authority of Congress, and so much of the Act of Congress approved June 10, 1920, entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes," approved June 10, 1920, as authorizes licensing such uses of existing national parks and national monuments by the Federal Power Commission is hereby repealed (March 3, 1921, c. 129, 41 Stat. 1353.)

This is an act entitled "An Act to amend an Act entitled 'An Act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes,' approved June 10, 1920," cited above.

§ 9992¼cc. Preliminary permits; purpose of; contents—Each preliminary permit issued under this Act shall be for the sole purpose of maintaining priority of application for a license under the terms of this Act for such period or periods, not exceeding a total of three years, as in the discretion of the commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained and a license issued. Such permits shall not be transferable, and may be canceled by order of the commission upon failure of permittees to comply with the conditions thereof (June 10, 1920, c. 285, § 5, 41 Stat. 1067)

See note to § 9992¼, ante

§ 9992¼d. Licenses; duration; conditions; revocation, alteration, or surrender—Licenses under this Act shall be issued for a period not exceeding fifty years Each such license shall be conditioned upon acceptance by the licensee of all of the terms and conditions of this Act and such further conditions, if any, as the commission shall prescribe in conformity with this Act, which said terms and conditions and the acceptance thereof shall be expressed in said license Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered only upon mutual agreement between the licensee and the commission after ninety days' public notice. (June 10, 1920, c 285, § 6, 41 Stat. 1067.)

See note to § 9992¼, ante

§ 9992¼dd. Preliminary permits and licenses; preferences—In issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 15 hereof the commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the commission equally well adapted, or shall within a reasonable time to be fixed by the commission be made equally well adapted, to conserve and utilize in the public interest the navigation and water resources of the region; and as between other applicants, the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans. (June 10, 1920, c. 285, § 7, 41 Stat 1067)

See note to § 9992¼, ante.

§ 9992¼e. Development of projects by United States; private applications not to be approved—Whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any application for such project by any citizen, association, corporation, State, or municipality but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project or completion of any project upon any Government dam by the United States. (June 10, 1920, c. 285, § 7, 41 Stat. 1067.)

See note to § 9992¼, ante.

§ 9992¼ee. Investigation of and report to Congress on designated power plant—The commission is hereby authorized and directed to investigate and, on or before the 1st day of January, 1921, report to Congress the cost and, in detail, the economic value of the power plant outlined in project numbered 3, House Document numbered 1400, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government, also in connection with such project to submit plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia. For this purpose the sum of $25,000, or so much thereof as may

be necessary, is hereby appropriated. (June 10, 1920, c. 285, § 7, 41 Stat 1068.)

See note to § 9992¼, ante

§ 9992¼f. Transfer of licenses—No voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission; and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this Act to the same extent as though such successor or assign were the original licensee hereunder: Provided, That a mortgage or trust deed or judicial sales made thereunder or under tax sales shall not be deemed voluntary transfers within the meaning of this section. (June 10, 1920, c 285, § 8, 41 Stat. 1068)

See note to § 9992¼, ante

§ 9992¼ff. Information to be furnished by applicants for license—Each applicant for a license hereunder shall submit to the commission—

(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding of the proposed project Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this Act.

(c) Such additional information as the commission may require. (June 10, 1920, c. 285, § 9, 41 Stat. 1068)

See note to § 9992¼, ante.

§ 9992¼g. Conditions in licenses—All licenses issued under this Act shall be on the following conditions:

(a) Adaptability of project—That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses, and if necessary in order to secure such scheme the commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

(b) Approval of alterations in projects—That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of a capacity in excess of one hundred horsepower without the prior approval of the commission, and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the commission may direct

(c) Maintenance and repair of projects; liability of licensee for damages—That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

(d) Amortization reserves—That after the first twenty years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

(e) Annual charges payable by licensees—That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this Act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property, and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: Provided, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of twenty years after the beginning of operations and at periods of not less than ten years thereafter in a manner to be described in each license: Provided, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than one hundred horsepower capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission

(f) Reimbursement by licensee of other licensees, etc.—That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improve-

ment, the commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable The proportion of such charges to be paid by any licensee shall be determined by the commission

Whenever such reservoir or other improvement is constructed by the United States the commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 17 hereof.

(g) Other conditions—Such other conditions not inconsistent with the provisions of this Act as the commission may require.

(h) Combinations, etc., prohibited—That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

(i) Waiver of conditions—In issuing licenses for a minor part only of a complete project, or for a complete project of not more than one hundred horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this Act, except the license period of fifty years, as it may deem to be to the public interest to waive under the circumstances: Provided. That the provisions hereof shall not apply to lands within Indian reservations. (June 10, 1920, c. 285, § 10, 41 Stat. 1068)

See note to § 9992¼, ante.

§ 9992¼gg. Provisions or requirements in licenses for projects affecting navigable waters—If the dam or other project works are to be constructed across, along, or in any of the navigable waters of the United States, the commission may, in so far as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

(a) Construction of locks, booms, etc.—That such licensee shall, to the extent necessary to preserve and improve navigation facilities, construct, in whole or in part, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War and made part of such license.

(b) Conveyance to United States of rights of way—That in case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then whenever the United States shall desire to complete such navigation facilities the licensee shall convey to the United States, free of cost, such of its land and its rights of way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete such navigation facilities.

(c) Free power to United States—That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States. (June 10, 1920, c. 285, § 11, 41 Stat 1070.)

See note to § 9992¼, ante.

§ 9992¼h. Projects involving navigable waters; participation of United States in cost of locks—Whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures cannot, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in section 11, subsection (a) hereof, the commission may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license and cause a report upon such project to be prepared, with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures. (June 10, 1920, c 285, § 12, 41 Stat. 1070)

See note to § 9992¼, ante

§ 9992¼hh. Commencement of project work; revocation of license on non-completion of work—The licensee shall commence the construction of the project works within the time fixed in the license, which shall not be more than two years from the date thereof, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The periods for the commencement of construction may be extended once but not longer than two additional years and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the project works, or of any specified part thereof, within the time prescribed in the license or as extended by the commission, then, after due notice given, the license shall, as to such project works or part thereof, be terminated upon written order of the commission In case the construction of the project works, or of any specified part thereof, have been begun but not completed within the time prescribed in the license, or as extended by the commission, then the Attorney General, upon the request of the commission, shall institute proceedings in equity in the district court of the United States for the district in which any part of the project is situated for the revocation of said license, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 26 hereof. (June 10, 1920, c 285, § 13, 41 Stat. 1071.)

See note to § 9992¼, ante

§ 9992¼i. Taking over of projects by United States; notice; payments to licensees—Upon not less than two years' notice in writing from the commission the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 3 hereof, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then

valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the commission The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by agreement between the commission and the licensee, and in case they cannot agree, by proceedings in equity instituted by the United States in the district court of the United States in the district within which any such property may be located: Provided, That such net investment shall not include or be affected by the value of any lands, rights of way or other property of the United States licensed by the commission under this Act, by the license, or by good will, going value, or prospective revenues: Provided further, That the values allowed for water rights, rights of way, lands, or interest in lands shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee Provided, That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this Act at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved (June 10, 1920, c. 285, § 14, 41 Stat. 1071.)

See note to § 9992¼, ante

§ 9992¼ii. New licenses; conditions; annual renewal licenses—If the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 14 hereof, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount, and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof· Provided, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or issue a new license to the original licensee, upon reasonable terms, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid (June 10, 1920, c. 285, § 15, 41 Stat. 1072.)

See note to § 9992¼, ante

§ 9992¼j. Taking possession of projects by United States for National Defense; payments to licensees—When in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license hereunder, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project, or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto, and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee (June 10, 1920, c. 285, § 16, 41 Stat. 1072)

See note to § 9992¼, ante.

§ 9992¼jj. Disposition of charges, license fees, etc.—All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution· Twelve and one-half per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States. (June 10, 1920, c. 285, § 17, 41 Stat. 1072.)

See note to § 9992¼, ante

§ 9992¼k. Rules and regulations for operation of navigable facilities—The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this Act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 25 hereof. (June 10, 1920, c. 285, § 18, 41 Stat. 1073)

See note to § 9992¼, ante

§ 9992¼kk. Public service licensees; regulation and control—As a condition of the license, every licensee hereunder which is a public-service cor-

poration, or a person, association, or corporation owning or operating any project and developing, transmitting or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged That in case of the development, transmission, or distribution, or use in public service of power by any licensee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control. Provided, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter (June 10, 1920, c. 285, § 19, 41 Stat. 1073.)

See note to § 9992¼, ante

§ 9992¼l. Charges and services rendered in interstate or foreign commerce; regulation and control; interstate commerce act applicable; valuations for rate-making purposes—When said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful. and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the Act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States, but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this Act. (June 10, 1920 c 285, § 20, 41 Stat 1073)

See note to § 9992¼, ante

§ 9992¼ll. Power of eminent domain of licensees—When any licensee can not acquire by contract or pledges an unimproved dam site or the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, in conjunction with an improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated. Provided, That United states district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $3,000 (June 10, 1920, c. 285, § 21, 41 Stat. 1074.)

See note to § 9992¼, ante.

§ 9992¼m. Contracts by licensees beyond life of licenses—Whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the joint approval of the commission and of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission, and thereafter, in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fulfill all such contracts. (June 10, 1920, c. 285, § 22, 41 Stat. 1074.)

See note to § 9992¼, ante.

§ 9992¼mm. Existing permits or rights of way, etc.; licenses for projects already constructed—The provisions of this Act shall not be construed as affecting any permit or valid existing right of way heretofore granted, or as confirming or otherwise affecting any claim, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this Act, and in such case the provisions

of this Act shall apply to such applicant as a licensee hereunder. Provided, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided in this section, shall for the purposes of this Act and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value (June 10, 1920, c 285, § 23, 41 Stat. 1075)

See note to § 9992¼, ante

§ 9992¼n. Projects involving other than navigable waters; declaration of intention to construct; investigations; licenses, when required—Any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in their discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this Act. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws. (June 10, 1920, c 285, § 23, 41 Stat. 1075)

See note to § 9992¼, ante.

§ 9992¼nn. Public lands included in projects reserved from entry, location, etc., under laws of United States; opening such lands for entry, etc.; entry upon lands; damages—Any lands of the United States included in any proposed project under the provisions of this Act shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of this Act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this Act, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission: Provided, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained (June 10, 1920, c 285, § 24, 41 Stat. 1075)

See note to § 9992¼, ante.

§ 9992¼o. Failure or refusal to comply with act, etc.; punishment—Any licensee, or any person, who shall willfully fail or who shall refuse to comply with any of the provisions of this Act, or with any of the conditions made a part of any license issued hereunder, or with any subpœna of the commission, or with any regulation or lawful order of the commission, or of the Secretary of War, or of the Secretary of Commerce as to fishways, issued or made in accordance with the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding $1,000, in addition to other penalties herein prescribed or provided by law; and every month any such licensee or any such person shall remain in default after written notice from the commission, or from the Secretary of War, or from the Secretary of Commerce, shall be deemed a new and separate offense punishable as aforesaid. (June 10, 1920, c 285, § 25, 41 Stat. 1076.)

See note to § 9992¼, ante

§ 9992¼oo. Revocation of licenses; proceedings in equity; jurisdiction and powers of district courts; decrees; sales on revocation; rights of vendees—The Attorney General may, on request of the commission or of the Secretary of War, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any permit or license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this Act or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders, and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of War, and to compel the performance of any condition imposed under the provisions of this Act. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and enforce such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may be-

come a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 14 hereof at the termination of the license (June 10, 1920, c. 285, § 26, 41 Stat 1076)

See note to § 9992¼, ante

§ 9992¼p. State laws not affected—Nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein. (June 10, 1920, c. 285, § 27, 41 Stat. 1077.)

See note to § 9992¼, ante.

§ 9992¼pp. Alteration, amendment, or repeal of act—The right to alter, amend, or repeal this Act is hereby expressly reserved, but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this Act, or the rights of any licensee thereunder. (June 10, 1920, c. 285, § 28, 41 Stat 1077)

See note to § 9992¼, ante

§ 9992¼q. Acts repealed; exception—All Acts or parts of Acts inconsistent with this Act are hereby repealed. Provided, That nothing herein contained shall be held or construed to modify or repeal any of the provisions of the Act of Congress approved December 19, 1913, granting certain rights of way to the city and county of San Francisco, in the State of California: Provided further, That section 18 of an Act making appropriations for the construction, repair and preservation, of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, is hereby repealed. (June 10, 1920, c. 285, § 29, 41 Stat. 1077.)

For Act Aug 8, 1917, c 49, § 18, repealed by this section, see U S Comp. St. 1918, § 10003¼a

See note to § 9992¼, ante

§ 9992¼qq. Short title of act—The short title of this Act shall be "The Federal Water Power Act." (June 10, 1920, c. 285, § 30, 41 Stat. 1077.)

See note to § 9992¼, ante

Chapter G—The Mississippi River Commission

§ 10002aaa. Modification of project for improvement of Ohio River—Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of nine feet * *: Provided, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document Numbered Sixteen hundred and ninety-five, Sixty-fourth Congress, second session. Provided further, That the modification of the existing project by omitting locks and dams below Dam Numbered Forty-eight, as herein authorized, shall not become effective until it shall be satisfactorily demonstrated that the project depth of nine feet on that section of the river can be maintained by open-channel work: And provided further, That the Secretary of War is hereby requested to investigate and submit to Congress on or before the first Monday in December, nineteen hundred and eighteen, a report showing (a) the status of water terminals at cities and towns along the Ohio River between Pittsburgh and Cairo, inclusive, and whether owned by municipalities or some other public agency, and whether the same are satisfactory as to location, construction, and equipment; (b) the names of cities and towns where an interchange of traffic exists between the water transportation lines and the railroads, (c) a list of the water transportation lines existing and proposed on the Ohio River with a description of the number and type of boats in operation and under construction or to be constructed and as to whether the same are appropriate and suitable for the traffic; (d) the names of cities and towns where no adequate public terminals exist, together with a statement of any prospective plans for water terminals and the status of same; (e) any recommendation for the development of transportation on such river (July 18, 1918, c 155, § 1, 40 Stat. 908)

This section is a part of the rivers and harbors appropriation act for the year 1918, cited above

§ 10002d. Jurisdiction extending to tributaries of Mississippi River between Cairo, Illinois, and the Head of the Passes—The jurisdiction of the Mississippi River Commission is hereby extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Illinois, and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River. (Sept. 22, 1922, c. 427, § 13, 42 Stat 1047)

This section is § 13 of the rivers and harbors appropriation act for the year 1922, cited above

Chapter GG—Waterways Commission

§ 10003¼a. [Repealed.]

This section (Act Aug 8, 1917, c 49, § 18, 40 Stat 269) is repealed by Act June 10, 1920, c 285, § 29, ante, § 9992¼q

Chapter HH—Control of Floods of Mississippi and Sacramento [and other] Rivers

§ 10030¼a[a].

Res. June 10, 1922, c. 217, 42 Stat 635, reads as follows: "An amount, not exceeding $100,000, of the funds authorized to be expended by Public Resolution Numbered 54, approved May 2, 1922, is hereby made available as an emergency fund to be expended by the Mississippi River Commission, under the direction of the Secretary of War, for repairing and restoring any levees on the Mississippi River above Cairo, Illinois, which have been destroyed or seriously injured by the recent floods of the Mississippi River and which are not now within, but may, before June 15, 1922, be brought within, the provisions of the Act entitled 'An Act to provide for the control of floods of the Mississippi River and of the Sacramento River, and for other purpose,' approved March 1, 1917 Provided, That if the Mississippi River Commission finds that the levee or drainage district in which the broken levee is situated can not legally, by or before June 15, 1922, comply with section (b) of such Act of March 1, 1917, the commission may accept, in this emergency, bonds of standing approved by it in amount sufficient to cover not less than one-third of the cost involved Provided further, That nothing in this resolution shall be construed as authorizing a departure from the established practice of the commission except so far as may be necessary to permit the restoration of broken levees in districts which are willing but can not legally comply with said method of procedure in time to avoid another threatened overflow this year"

§ 10030¼aa. Control of floods of Mississippi River and continuing improvements from Head of Passes to mouth of Ohio River; carrying on plans of Mississippi River Commission; appropriation—For controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River, in accordance with the provisions of section 1 of "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes," approved March 1, 1917, the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed $10,000,000

annually is hereby authorized to be appropriated for that purpose, for a period of six years beginning July 1, 1924

Any funds which may hereafter be appropriated under authority of this Act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Illinois, and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river (March 4, 1923, c 277, 42 Stat 1505)

This section is an act entitled 'An act to continue the improvement of the Mississippi River and for the control of its floods," cited above

GENERAL PROVISIONS

§ 10030¼c.

A preliminary examination and survey of the Caloosahatchee River, in Florida, with a view to the control of floods, is authorized by Act Feb 21, 1925, c 288, 43 Stat 961

A preliminary examination and survey of the Skykomish River, Snoqualmie River, Snohomish River, and Stillaquamish River, in Snohomish County, Wash, and the Nooksack River, in Whatcom County, Wash, with a view to the control of their floods, is authorized by Act Feb 26, 1925, c 353, 43 Stat 1000

§ 10030½. Preliminary examinations of certain rivers—That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes," approved March 1, 1917:

Trinity River, Texas, Brazos River, Texas; Canadian River, New Mexico, Texas, and Oklahoma; North Fork Canadian, Texas and Oklahoma, Deep Fork, Virdigris, and Little River, Oklahoma; Cimarron River, New Mexico and Oklahoma; Wolf and Fox Rivers, Wisconsin; West Fork of White River, Indiana; Guadalupe River, Texas; Columbia River, between Martins Bluff and mouth of Lewis River, Washington; Skagit River, Washington; Pond River, Kentucky; Colorado River, Texas; Red River, Arkansas, and Arkansas River in Kansas, Oklahoma, and Arkansas.

The sum of $6,000, or so much thereof as may be necessary, is hereby authorized to be expended out of any funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors to carry out the provisions of this section. (May 31, 1924, c. 223, § 1, 43 Stat. 249.)

This section, and the section next following, are an act entitled "An act authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods," cited above.

§ 10030½a. Preliminary survey of certain rivers—The Secretary of War is hereby authorized and directed to cause surveys to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes," approved March 1, 1917:

North Branch of the Susquehanna River, Pennsylvania and New York, and the sum of $8,000 is hereby authorized to be appropriated for this purpose.

Puyallup River, Washington, and the sum of $5,000 is hereby authorized to be appropriated for this purpose.

Allegheny and Monongahela Rivers, and the sum of $25,000 is hereby authorized to be appropriated for this purpose: Provided, That no money hereby authorized to be appropriated shall be expended unless and until assurances have been given satisfactory to the Secretary of War that the Commonwealth of Pennsylvania will contribute a like sum of $25,000 for the purpose of making the survey hereby authorized, and the Secretary of War is hereby authorized to receive from the Commonwealth of Pennsylvania such sum of $25,000 and to expend the same as the $25,000 hereby authorized to be appropriated may be expended. (May 31, 1924, c 223, § 2, 43 Stat. 249)

See note to § 10030½, ante.

Chapter I—The Panama Canal and the Canal Zone

For current appropriations for the Canal Zone, see Act Feb 12, 1925, c 225, title II, 43 Stat 933 Said act also contains the following

"The Governor of the Panama Canal, so far as the expenditure of appropriations contained in this Act may be under his direction, shall, when it is more economical, purchase needed materials, supplies, and equipment from available surplus stocks of the War Department

"In addition to the foregoing sums there is appropriated for the fiscal year 1926 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama Canal from Services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services, from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere, from the sale of scrap and other by-products of manufacturing and shop operations, from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone, and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States

"In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1926, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses."

§ 1004laa. Appropriation for refund of tolls erroneously received—There is appropriated, out of any money hereafter received as tolls, before such money is covered into the Treasury as miscellaneous receipts, amounts necessary to refund to the parties entitled thereto amounts which heretofore or may hereafter be erroneously received as tolls and covered into the Treasury as miscellaneous receipts. (June 12, 1917, c 27, § 1, 40 Stat 179)

From the sundry civil appropriation act for the year 1918, cited above

§ 10043. Powers and duties of governor; civil government of zone; towns and subdivisions of zone; magistrates courts; magistrates and constables; to be citizens; rules of courts; notaries public; appeals from magistrates courts—The Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this Act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the Governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive

original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100, or imprisonment not exceeding thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this Act and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrate courts, and commit or bail in bailable cases to the district court A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the Governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same The rules governing said courts and prescribing the duties of said magistrates and constables, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The Governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

Appeals in civil and criminal cases are hereby authorized from the judgments and rulings of the magistrate courts to the district court under the rules and regulations prescribed by section 6 of Executive order of March 12, 1914, relating to the Canal Zone judiciary: Provided, however, That there shall be no right of appeal in criminal cases, except in those cases wherein the defendant has been sentenced to jail or has been fined in amount exceeding $25 (Aug. 24, 1912, c. 390, § 7, 37 Stat 564, amended, Sept. 21, 1922, c. 370, § 1, 42 Stat. 1004)

This section was amended by Act Sept 21, 1922, c 370, § 1, cited above, by inserting, after the words and figures "under section 10 of this Act," the words "and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrate courts," and by adding the last paragraph, as set forth above.

Sections 2 and 3 of said Act Sept 21 1922, c. 370, amend sections 8 and 9 of the Panama Canal Act, post, §§ 10041, 10045: sections 4-9 of said act amend sections 288, 289, 342, 368, 343, and 461 of the Penal Code of the Canal Zone, and are omitted as being local in their operation; section 10 of said act amends paragraph 2 of the executive order of the President of July 9, 1914, and is omitted as being local in its operation, section 11 of said act amends Act Aug. 21, 1916, c 371, § 6, post, § 10051f, sections 12-22 relate to divorce suits in the Zone, and are omitted as being local in their operation, section 23 of said act repeals all laws, orders, and regulations, and parts thereof, in conflict with the act.

§ 10044. District Court; divisions; rules of practice; jurisdiction; jurors; judge, district attorney, marshal and clerk—There shall be, in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division The rules of practice in such district court shall be prescribed, amended, or repealed by order of the President

(b) The said district court shall have jurisdiction of—

All felony cases under the laws of the Canal Zone;

All offenses arising under section 10 of this Act,

All cases in equity,

All cases in admiralty,

All cases of divorce and annulment of marriage,

All cases at law involving principal sums exceeding $300,

All appeals from judgments rendered in the magistrates' courts,

All matters and proceedings not otherwise provided for which at the time this Act took effect were within the jurisdiction of the Supreme Court of the Canal Zone, the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof; and

In addition to the jurisdiction now specifically conferred on it by certain Acts of Congress, the said court shall have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed upon the high seas beyond the territorial limits of the Canal Zone, on vessels belonging, in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense: Provided, That this provision shall not be construed to deprive district courts of the United States of any jurisdiction now provided by law. The procedure and practice in such cases shall be the same as in other criminal cases tried under the laws of the Canal Zone.

The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same as is exercised by the United States district judges and the United States district courts and the practice and procedure shall be the same as in the United States district courts

(c) The judge of the district court shall provide for the selection, summoning, and serving of jurors from among the citizens of the United States, subject to jury duty, to serve in the division of the district in which such jurors reside; and a jury shall be had in any civil or criminal case originating in said court on the demand of either party. The compensation of jurors shall be prescribed by order of the President

(d) The said district judge shall receive the same salary as is allowed to United States district judges, and when holding court away from home shall be allowed the same mileage and per diem as is allowed to United States district judges; he shall appoint the clerk of said court, and may appoint one assistant clerk and such other additional help as the President may authorize; all of such officials and help shall receive such compensation as shall be prescribed by order of the President.

(e) During the absence of the district judge or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by a special judge, to be designated by the President, which designation may be made by cablegram or otherwise, and who shall be an attorney at law qualified to practice before the courts of the Canal Zone or any of the United States district courts or any of the superior courts of any State, Territory, or possession of the United States, and who during such service shall be paid at the same rate of compensation and the same mileage and per diem as that paid the district judge of the Canal Zone.

(f) There shall be a district attorney for said court, who shall be paid a salary of $5,000 per annum.

It shall be the duty of the district attorney to conduct all legal proceedings, civil and criminal, for the Government, and to advise the Governor of the Pan-

ama Canal on all legal questions touching the operation of the canal and the administration of civil affairs

There shall be a marshal for said district It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal The marshal shall be paid a salary of $5,000 per annum.

(g) The district judge, the district attorney, and the marshal shall be appointed by the President, as heretofore, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified; they shall reside within the Canal Zone during their term of office, and shall be allowed six weeks' leave of absence each year with pay, under such regulations as the President may from time to time prescribe (Aug. 24, 1912, c. 390, § 8, 37 Stat. 565, amended, Sept 21, 1922, c. 370, § 2, 42 Stat 1005.)

For this section, prior to its amendment by Act Sept 21, 1922, c 370, § 2, see U S Comp St 1918, § 10044.

§ 10045. Transfer of causes and records from existing courts; temporary continuance of Supreme Court; duties of existing officers transferred to similar officers of new courts; practice and procedure continued; appeals and review— The records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this Act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this Act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

(b) The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party or by other competent evidence, and also in criminal cases wherein the offense charged is punishable as a felony; and also in civil and criminal cases in which the jurisdiction of the trial court is in issue, but whenever any such case is not otherwise reviewable in said appellate court the question of jurisdiction alone shall be reviewable by said appellate court. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said Circuit Court of Appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States Cases pending in the said Circuit Court of Appeals at the time of the passage of this Act shall not be affected hereby, but the same shall be disposed of as though this Act had not been enacted

(c) That it shall not be necessary in the district court of the Canal Zone to exercise separately the law and equity jurisdiction vested in said court; and the code of civil procedure of the Canal Zone and the rules of practice adopted in said zone, in so far as they authorize a blending of said jurisdictions in cases at law and in equity, are hereby confirmed (Aug 24, 1912, c. 390, § 9, 37 Stat 565, amended, Sept. 21, 1922, c. 370, § 3, 42 Stat 1006)

For this section prior to its amendment by Act Sept. 21, 1922, c 370, § 3, see U S Comp St 1918, § 10045.

So much of this section (Aug 24, 1912, c 390, § 9, 37 Stat. 565) as designates the cases in which, and the courts by which, the judgments and decrees of the district court of the Canal Zone may be reviewed, is repealed by Act Feb 13, 1925, c 229, § 13, 43 Stat 941

Section 14 of said Act Feb. 13, 1925, c. 229, provides that the act shall take effect three months after its approval, but that it shall not affect cases then pending in the Supreme Court, or affect the right to a review, or the mode or time for exercising the same, as respects any judgment or decree entered prior to the date when it takes effect.

See, also, note at the beginning of title XII C

§ 10051f. Interest on deposit money orders issued in zone in lieu of postal savings certificates —Deposit money orders issued in the Canal Zone in lieu of postal savings certificates in accordance with the rules and regulations heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 3 per centum per annum. (Aug. 21, 1916, c. 371, § 6, 39 Stat. 528, amended, Sept. 21, 1922, c. 370, § 11, 42 Stat. 1008)

This section was amended by Act Sept. 21, 1922, c. 370, § 11, cited above, by changing the rate of interest from 2 to 3 per centum.

§ 10054d. Expense of assembling material, machinery, and equipment—The Panama Canal. * * Expenses incurred in assembling, assorting, storing, repairing and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales. (March 4, 1921, c. 161, § 1, 41 Stat. 1432)

From the sundry civil appropriation act for the year 1922, cited above The same provision is contained in prior acts.

TITLE LXIV—RAILWAYS[, EXPRESS COMPANIES, AND CERTAIN CARRIERS BY WATER]

§ 10066. Payments for Army transportation— Army Transportation. * * Hereafter payment shall be made at such rates as the Secretary of War shall deem just and reasonable and shall not exceed 50 per centum of the full amount of compensation, computed on the basis of the tariff or lower special rates for like transportation performed for the public at large, for the transportation of property or troops of the United States over any railroad which under land-grant Acts was aided in its construction by a grant of land on condition that said railroad shall be and remain a public highway for the use of the United States, and for which adjustment of compensation is required in accordance with decisions of the Supreme Court construing such land-grant Acts, or over any railroad which was aided in its construction by a grant of land on condition that such railroad should be a post route and military road, subject to such regulations as Congress may impose restricting the charge for such Government transportation, and such payment shall be accepted as in full for all demands

for such service. (June 7, 1924, c 291, title I, 43 Stat. 486)

From the War Department appropriation act for the year 1925 cited above
See, also, Act June 30, 1922, c 253, title I, 42 Stat 729, and Act March 2, 1923, c 178, title I, 42 Stat 1390

§ 10071a. Conveyance by land grant railroads of portions of rights of way to state, county, or municipality—All railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are hereby authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: Provided, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than fifty feet on each side of the center of the main track of the railroad as now established and maintained. (May 25, 1920, c. 197, 41 Stat. 621)

This section is an act entitled "An act authorizing certain railroad companies, or their successors in interest, to convey for public-road purposes certain parts of their rights of way," cited above

TRANSPORTATION ACT OF 1920

This subtitle of this Title consists of part of Act Feb 28, 1920, c 91, as amended, entitled "An act to provide for the termination of Federal control of railroads and systems of transportation, to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes, as amended and supplemented" This act consists of five titles Title IV consists of amendments to the Interstate Commerce Act, and is set forth ante, under Title LVI A, "Regulation of Common Carriers of Interstate and Foreign Commerce," Chapter A, "Regulation of Transportation," and Chapter B, "Bills of Lading"

TITLE I.—DEFINITIONS

§ 10071¼. Citation of act—This Act may be cited as the "Transportation Act, 1920." (Feb. 28, 1920, c. 91, § 1, 41 Stat 456.)

§ 10071¼a. Definitions—When used in this Act—

The term "Interstate Commerce Act" means the Act entitled "An Act to regulate commerce," approved February 4, 1887, as amended,

The term "Commerce Court Act" means the Act entitled "An Act to create a commerce court, and to amend an Act entitled 'An Act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910,

The term "Federal Control Act" means the Act entitled "An Act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, as amended;

The term "Federal control" means the possession, use, control, and operation of railroads and systems of transportation, taken over or assumed by the President under section 1 of the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, or under the Federal Control Act; and

The term "Commission" means the Interstate Commerce Commission. (Feb 28, 1920, c. 91, § 2, 41 Stat. 457.)

TITLE II.—TERMINATION OF FEDERAL CONTROL

§ 10071¼aa. (a) Date of termination—(a) Federal control shall terminate at 12.01 a. m, March 1, 1920, and the President shall then relinquish possession and control of all railroads and systems of transportation then under Federal control and cease the use and operation thereof

(b) Powers not to be exercised by President—Thereafter the President shall not have or exercise any of the powers conferred upon him by the Federal Control Act relating—

(1) To the use or operation of railroads or systems of transportation;

(2) To the control or supervision of the carriers owning or operating them, or of the business or affairs of such carriers,

(3) To their rates, fares, charges, classifications, regulations, or practices;

(4) To the purchase, construction, or other acquisition of boats, barges, tugs, and other transportation facilities on the inland, canal, or coastwise waterways; or (except in pursuance of contracts or agreements entered into before the termination of Federal control) of terminals, motive power, cars, or equipment, on or in connection with any railroad or system of transportation;

(5) To the utilization or operation of canals;

(6) To the purchase of securities of carriers, except in pursuance of contracts or agreements entered into before the termination of Federal control, or as a necessary or proper incident to the adjustment, settlement, liquidation and winding up of matters arising out of Federal control; or

(7) To the use for any of the purposes above stated (except in pursuance of contracts or agreements entered into before the termination of Federal control, and except as a necessary or proper incident to the winding up or settling of matters arising out of Federal control, and except as provided in section 202) of the revolving fund created by such Act, or of any of the additions thereto made under such Act, or by the Act entitled "An Act to supply a deficiency in the appropriation for carrying out the Act entitled 'An Act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," approved June 30, 1919

(c) War powers of President—Nothing in this Act shall be construed as affecting or limiting the power of the President in time of war (under section 1 of the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916) to take possession and assume control of any system of transportation and utilize the same. (Feb. 28, 1920, c. 91, § 200, 41 Stat. 457.)

GOVERNMENT-OWNED BOATS ON INLAND WATERWAYS

§ 10071¼aaa. (a) Boats, barges, etc., transferred to Secretary of War; operation thereof; payments under contracts prior to termination of Federal control—(a) On the termination of Federal control, as provided in section 200, all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal Control Act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued, and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the time above fixed for such trans-

fer All payments under the terms of such contracts, and for claims arising out of the operation of such transportation facilities by or through the President prior to the termination of Federal control, shall be made out of moneys available under the provisions of this Act for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts

(b) Payments after transfer to Secretary of War—All other payments after such transfer in connection with the construction, utilization, and operation of any such transportation facilities, whether completed or under construction, shall be made by the Secretary of War out of funds now or hereafter made available for that purpose.

(c) Construction of terminal facilities by Secretary of War—The Secretary of War is hereby authorized, out of any moneys hereafter made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State, municipality or transportation company, or to expend such moneys for necessary terminal improvements and facilities upon property leased from States, cities, or transportation companies under terms approved by the Interstate Commerce Commission, or otherwise, in accordance with any order rendered by said commission under subheading (a), paragraph 13, section 6, Interstate Commerce Act.

This paragraph was amended by Act March 4, 1921, c. 161, § 1, cited above, to read as set forth above. Prior to this amendment this paragraph read as follows "The Secretary of War is hereby authorized, out of any moneys hereafter made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State whose constitution prohibits the ownership of such terminal facilities by other than the State or a political subdivision thereof."

(d) Transportation facilities on Mississippi river—Any transportation facilities owned by the United States and included within any contract made by the United States for operation on the Mississippi River above Saint Louis, the possession of which reverts to the United States at or before the expiration of such contract, shall be operated by the Secretary of War so as to provide facilities for water carriage on the Mississippi River above Saint Louis.

(e) Application of interstate commerce act; employees to enforce section—The operation of the transportation facilities referred to in this section shall be subject to the provisions of the Interstate Commerce Act as amended by this Act or by subsequent legislation, and to the provisions of the "Shipping Act, 1916," as now or hereafter amended, in the same manner and to the same extent as if such transportation facilities were privately owned and operated; and all such vessels while operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels, whether the United States is interested therein as owner, in whole or in part, or holds any mortgage, lien, or interest therein. For the performance of the duties imposed by this section the Secretary of War is authorized to appoint or employ such number of experts, clerks, and other employees as may be necessary for service in the District of Columbia or elsewhere, and as may be provided for by Congress (Feb 28, 1920, c 91, § 201, 41 Stat. 458, amended, March 4, 1921, c 161, § 1, 41 Stat 1302)

§ 10071¼aaaa. Operation of boats, etc., by Secretary of War on New York State Barge Canal to cease; disposition of boats, etc.—At the end of thirty days after the passage of this resolution the authority conferred upon the Secretary of War under section 201 of the Transportation Act, 1920, to operate for commercial purposes boats, barges, tugs, or other transportation facilities upon the New York State Barge Canal shall cease, and thereafter there shall be no such operation by the Secretary of War or any other agency of the United States The Secretary of War shall as soon as is practicable, dispose of boats, barges, tugs, and other transportation facilities purchased or constructed for use upon the said canal, and, pending final disposition, the Secretary of War may lease the same Provided, That all the money obtained from the sale or lease of these boats, barges, and tugs shall be available until expended by the inland and coastwise waterways service of the War Department in the inauguration and development of other inland, canal, and coastwise waterways in accordance with the expressed desire of Congress in section 500 of the Transportation Act, 1920: Provided further, That not to exceed 25 per centum of the boats, barges, and tugs built or purchased for the United States, herein authorized to be sold, may be retained by the United States for the operation of other inland, canal, or coastwise routes of the United States until such equipment can be replaced by other equipment to be purchased from funds received from the sale prescribed above. (Feb 27, 1921, c. 81, 41 Stat. 1149)

This is a resolution entitled "A Joint Resolution to exempt the New York State Barge Canal from the provisions of section 201 of the Transportation Act, 1920, and for other purposes," cited above

SETTLEMENT OF MATTERS ARISING OUT OF FEDERAL CONTROL

§ 10071¼b. Funds available—The President shall, as soon as practicable after the termination of Federal control, adjust, settle, liquidate, and wind up all matters, including compensation, and all questions and disputes of whatsoever nature, arising out of or incident to Federal control. For these purposes and for the purpose of making the payments specified in subdivision (a) of section 201, all unexpended balances in the revolving fund created by the Federal Control Act or of the moneys appropriated by the Act entitled "An Act to supply a deficiency in the appropriation for carrying out the Act entitled 'An Act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918," approved June 30, 1919, are hereby reappropriated and made available until expended; and all moneys derived from the operation of the carriers or otherwise arising out of Federal control, and all moneys that have been or may be received in payment of the indebtedness of any carrier to the United States arising out of Federal control, shall be and remain available until expended for the aforesaid purposes; and there is hereby appropriated for the aforesaid purposes, out of any money in the Treasury not otherwise appropriated, $200,000,000 in addition to the above, to be available until expended. (Feb. 28, 1920, c. 91, § 202, 41 Stat. 459.)

COMPENSATION OF CARRIERS WITH WHICH NO CONTRACT MADE

§ 10071¼bb. (a) Amounts payable; determination thereof—(a) Upon the request of any carrier entitled to just compensation under the Federal Control Act, but with which no contract fixing or waiving compensation has been made and which has made no waiver of compensation, the President (1) shall pay to it so much of the amount he may determine to be just compensation as may be necessary to enable such carrier to have the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of the standard contract between the United States and the carriers, accruing during the period for which such carrier is entitled to just compensation under the Federal Control Act, and also the sums required for dividends declared and paid during the same period, including, also, in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of the period for which the carrier is entitled to just compensation under the Federal Control Act bears to the last dividend period, and (2) may, in his discretion, pay to such carrier the whole or any part of the remainder of such estimated amount of just compensation

(b) Effect of acceptance of benefits by carrier—The acceptance of any benefits by a carrier under this section—

(1) shall not deprive it of the right to claim additional compensation, which, unless agreed upon, shall be ascertained in the manner provided in section 3 of the Federal Control Act; but

(2) shall constitute an acceptance by the carrier of all the provisions of the Federal Control Act as modified by this Act, and obligate the carrier to pay to the United States, with interest at the rate of 6 per centum per annum from a date or dates fixed in proceedings under section 3 of the Federal Control Act, the amount by which the sums received on account of such compensation, under this section or otherwise, exceed the sum found due in such proceedings (Feb. 28, 1920, c. 91, § 203, 41 Stat. 459)

REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL

§ 10071¼bbb. (a) "Carrier" and "test period" defined—When used in this section—

The term "carrier" means a carrier by railroad which, during any part of the period of Federal control, engaged as a common carrier in general transportation, and competed for traffic, or connected, with a railroad under Federal control, and which sustained a deficit in its railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation; but does not include any street or interurban electric railway which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both; and

The term "test period" means the three years ending June 30, 1917.

(b) Computation of railway operating income or deficit for period of Federal control and for test period—For the purposes of this section—

Railway operating income or any deficit therein for the period of Federal control shall be computed in a manner similar to that provided in section 209 with respect to such income or deficit for the guaranty period; and

Railway operating income or any deficit therein for the test period shall be computed in the manner provided in section 1 of the Federal Control Act.

(c) Ascertainment of amounts of railway operating income and deficits therein; test period return—As soon as practicable after March 1, 1920, the Commission shall ascertain for every carrier, for every month of the period of Federal control during which its railroad or system of transportation was not under Federal operation, its deficit in railway operating income, if any, and its railway operating income, if any, (hereinafter called "Federal control return"), and the average of its deficit in railway operating income, if any, and of its railway operating income, if any, for the three corresponding months of the test period taken together, (hereinafter called "test period return"): Provided, That "test period return," in the case of a carrier which operated its railroad or system of transportation for at least one year during, but not for the whole of, the test period, means its railway operating income, or the deficit therein, for the corresponding month during the test period, or the average thereof for the corresponding months during the test period taken together, during which the carrier operated its railroad or system of transportation

(d) Ascertainment of difference between Federal control return (if deficit) and test period return, etc.—For every month of the period of Federal control during which the railroad or system of transportation of the carrier was not under Federal operation, the Commission shall then ascertain (1) the difference between its Federal control return, if a deficit, and its test period return, if a smaller deficit, or (2) the difference between its test period return, if an income, and its Federal control return, if a smaller income, or (3) the sum of its Federal control return, if a deficit, plus its test period return, if an income. The sum of such amounts shall be credited to the carrier.

(e) Ascertainment of difference between Federal control return (if income) and test period return, etc.—For every such month the Commission shall then ascertain (1) the difference between the carrier's Federal control return, if an income, and its test period return, if a smaller income, or (2) the difference between its test period return, if a deficit, and its Federal control return, if a smaller deficit, or (3) the sum of its Federal control return, if an income, plus its test period return, if a deficit The sum of such amounts shall be credited to the United States.

(f) Payments of difference to carrier—If the sum of the amounts so credited to the carrier under subdivision (d) exceeds the sum of the amounts so credited to the United States under subdivision (e), the difference shall be payable to the carrier In the case of a carrier which operated its railroad or system of transportation for less than a year during, or for none of, the test period, the foregoing computations shall not be used, but there shall be payable to such carrier its deficit in railway operating income for that portion (as a whole) of the period of Federal control during which it operated its own railroad or system of transportation.

(g) Certification of amounts payable to carriers; warrants and payment thereof—The Commission shall promptly certify to the Secretary of the Treasury the several amounts payable to carriers under paragraph (f). The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States for the amount shown in such certificate as payable thereto. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated. (Feb. 28, 1920, c. 91, § 204, 41 Stat. 460.)

§ 10071¼bbbb. Certificate of amounts due from carrier to President; deduction of amounts so certified—The Interstate Commerce Commission, in certifying to the Secretary of the Treasury the amount payable to any carrier under paragraphs (f) and (g) of section 204 of the Transportation Act, 1920, also shall certify to the Secretary of the Treasury such sums, if any, as may be due from such carrier to the President (as operator of transportation systems under Federal control) on account of traffic balances or other indebtedness. The amount so certified to be due the President, upon his request, shall be deducted by the Secretary of the Treasury from the amount so certified to be due such carrier and thereupon shall be transferred from the appropriation made in paragraph (g) of the said section 204 and credited by him to the appropriation made in section 202 of the Transportation Act, 1920 Such deductions shall be considered as a payment pro tanto of such indebtedness to the Government (May 8, 1920, c. 172, 41 Stat 590)

This section is a provision of an act to supply a deficiency in the appropriation for the Federal control of transportation systems, etc., cited above.

INSPECTION OF CARRIERS' RECORDS

§ 10071¼c. Right of inspection; information furnished by carriers; penalty for refusal or obstruction of inspection—The President shall have the right, at all reasonable times until the affairs of Federal control are concluded, to inspect the property and records of all carriers whose railroads or systems of transportation were at any time under Federal control, whenever such inspection is necessary or appropriate (1) to protect the interests of the United States, or (2) to supervise matters being handled for the United States by agents of the carriers, or (3) to secure information concerning matters arising during Federal control, and such carriers shall provide all reasonable facilities therefor, including the issuance of free transportation to all agents of the President while traveling on official business for these purposes.

Such carriers shall, at their expense, upon the request of the President, or those duly authorized by him, furnish all necessary and proper information and reports compiled from the records made or kept during the period of Federal control affecting their respective lines, and shall keep and continue such records and furnish like information and reports compiled therefrom

Any carrier which refuses or obstructs such inspection, or which willfully fails to provide reasonable facilities therefor, or to furnish such information or reports shall be liable to a penalty of $500 for each day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action to be brought by the United States. (Feb. 28, 1920, c. 91, § 205, 41 Stat. 461.)

CAUSES OF ACTION ARISING OUT OF FEDERAL CONTROL

§ 10071¼cc. (a) Against whom brought; limitations—Actions at law, suits in equity and proceedings in admiralty, based on causes of action arising out of the possession, use or operation by the President of the railroad or system of transportation of any carrier (under the provisions of the Federal Control Act, or of the Act of August 29, 1916) of such character as prior to Federal control could have been brought against such carrier, may, after the termination of Federal control, be brought against an agent designated by the President for such purpose, which agent shall be designated by the President within thirty days after the passage of this Act Such actions, suits, or proceedings may, within the periods of limitation now prescribed by State or Federal statutes but not later than two years from the date of the passage of this Act, be brought in any court which but for Federal control would have had jurisdiction of the cause of action had it arisen against such carrier, except that actions to enforce awards made by the commission under the provisions of subdivision (c) against the agent so designated by the President may be brought within one year after the date of the commission's award

This paragraph was amended by Act Feb 24, 1922, c. 70, § 1, 42 Stat 393, cited above, by adding thereto all matter after the semicolon, as set forth above

(b) Service of process—Process may be served upon any agent or officer of the carrier operating such railroad or system of transportation, if such agent or officer is authorized by law to be served with process in proceedings brought against such carrier and if a contract has been made with such carrier by or through the President for the conduct of litigation arising out of operation during Federal control If no such contract has been made process may be served upon such agents or officers as may be designated by or through the President The agent designated by the President under subdivision (a) shall cause to be filed, upon the termination of Federal control, in the office of the Clerk of each District Court of the United States, a statement naming all carriers with whom he has contracted for the conduct of litigation arising out of operation during Federal control, and a like statement designating the agents or officers upon whom process may be served in actions, suits, and proceedings arising in respect to railroads or systems of transportation with the owner of which no such contract has been made, and such statements shall be supplemented from time to time, if additional contracts are made or other agents or officers appointed.

(c) Complaints for reparation; jurisdiction to hear—(c) Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the Interstate Commerce Act, may be filed with the commission within one year, or, if so claimed in respect of overcharges above the legal tariff charge, within two years and six months, after the termination of Federal control, against the agent designated by the President, under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under the Federal control at the time the matter complained of took place. The commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the Interstate Commerce Act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a).

This paragraph was amended by Act Feb 24, 1922, c. 70, § 2, 42 Stat 394, cited above, to read as set forth above. Prior to this amendment the paragraph read as follows: "Complaints praying for reparation on account of damage claimed to have been caused by reason of the collection or enforcement by or through the President during the period of Federal control of rates, fares, charges, classifications, regulations, or practices (including those applicable to interstate, foreign, or intrastate traffic) which were unjust, unreasonable, unjustly discriminatory, or unduly or unreasonably prejudicial, or otherwise in violation of the Interstate Commerce Act, may be filed with the Commission, within one year after the termination of Federal control, against the agent designated by the President under subdivision (a), naming in the petition the railroad or system of transportation against which such complaint would have been brought if such railroad or system had not been under Federal control at the time

the matter complained of took place The Commission is hereby given jurisdiction to hear and decide such complaints in the manner provided in the Interstate Commerce Act, and all notices and orders in such proceedings shall be served upon the agent designated by the President under subdivision (a) "

(d) Abatement of actions—Actions, suits, proceedings, and reparation claims, of the character above described pending at the termination of Federal control shall not abate by reason of such termination, but may be prosecuted to final judgment, substituting the agent designated by the President under subdivision (a).

(e) Final judgments, decrees, or awards—Final judgments, decrees, and awards in actions, suits, proceedings, or reparation claims, of the character above described, rendered against the agent designated by the President under subdivision (a), shall be promptly paid out of the revolving fund created by section 210

(f) Computation of limitations—The period of Federal control shall not be computed as a part of the periods of limitation in actions against carriers or in claims for reparation to the Commission for causes of action arising prior to Federal control

(g) Execution or other process—No execution or process, other than on a judgment recovered by the United States against a carrier, shall be levied upon the property of any carrier where the cause of action on account of which the judgment was obtained grew out of the possession, use, control, or operation of any railroad or system of transportation by the President under Federal control

(h) Death, expiration of term of office, retirement, resignation, or removal from office of Director General of Railroads, or of public officer bringing suit arising out of Federal control, not to abate, actions, etc.—Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a), (c), or (d), properly commenced within the period of limitation prescribed, and pending at the time this subdivision takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the Director General of Railroads or the agent designated under subdivision (a), but may (despite the provisions of the Act entitled 'An Act to prevent the abatement of certain actions,' approved February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such Act of February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office

This paragraph and paragraph (i) were added to this section by Act March 3, 1923, c 233, 42 Stat 1433.

(i) Same; substitution of parties—Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such Act of February 8, 1899, to the contrary notwithstanding. Actions, suits, reparation claims, or other proceedings of the character described in subdivision (h) which have been abated or dismissed solely because of the provisions of such Act of February 8, 1899, shall be reinstated upon reasonable notice to the adverse party, and upon proper motion therefor filed within one year from the time this subdivision takes effect. (Feb 28, 1920, c 91, § 206, 41 Stat 461, amended, Feb 24, 1922, c. 70, §§ 1, 2, 42 Stat 393, 394, and March 3, 1923, c. 233, 42 Stat. 1443.)

See note to par (h) of this section, ante.

REFUNDING OF CARRIERS' INDEBTEDNESS TO UNITED STATES

§ 10071¼ccc. (a) Ascertainment of amount of indebtedness; set-offs—As soon as practicable after the termination of Federal control the President shall ascertain (1) the amount of the indebtedness of each carrier to the United States, which may exist at the termination of Federal control, incurred for additions and betterments made during Federal control and properly chargeable to capital account, (2) the amount of indebtedness of such carrier to the United States otherwise incurred, and (3) the amount of the indebtedness of the United States to such carrier arising out of Federal control. The amount under clause (3) may be set off against either or both of the amounts under clauses (1) and (2), so far as deemed wise by the President, but only to the extent permitted under any contract now or hereafter made between such carrier and the United States in respect to the matters of Federal control, or, where no such contract exists, to the extent permitted under paragraph (b) of section 7 of the standard contract between the United States and the carriers relative to deductions from compensation: Provided, That such right of set-off shall not be so exercised as to prevent such carrier from having the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of such standard contract, accruing during Federal control, and also the sums required for dividends declared and paid during Federal control including, also in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of Federal control bears to the last regular dividend period: And provided further, That such right of set-off shall not be exercised unless there shall have first been paid such sums in addition as may be necessary to provide the carrier with working capital in amount not less than one twenty-fourth of its operating expenses for the calendar year 1919

(b) Funding of indebtedness for additions and betterments—Any remaining indebtedness of the carrier to the United States in respect to such additions and betterments shall, at the request of the carrier, be funded for a period of ten years from the termination of Federal control, or a shorter period at the option of the carrier, with interest at the rate of 6 per centum per annum, payable semiannually, subject to the right of such carrier to pay, on any interest-payment day, the whole or any part of such indebtedness. Any carrier obtaining the funding of such indebtedness as aforesaid shall give, in the discretion of the President, such security, in such form and upon such terms, as he may prescribe.

(c) Refunding of funded indebtedness for equipment—If the President and the various carriers, or any of them, shall enter into an agreement for funding, through the medium of car trust certificates, or otherwise, the indebtedness of any such carrier to the United States incurred for equipment ordered for the benefit of such carrier, such indebtedness so funded shall not be refundable under the foregoing provisions.

(d) Notes to evidence indebtedness remaining after settlement of accounts—Any other indebted-

ness of any such carrier to the United States which may exist after the settlement of accounts between the United States and the carrier and is then due shall be evidenced by notes payable in one year from the termination of Federal control, or a shorter period at the option of the carrier, with interest at the rate of 6 per centum per annum, and secured by such collateral security as the President may deem it advisable to require.

(e) Extension of time of payment or exchange of bonds, notes, etc., of carriers—With respect to any bonds, notes, or other securities, acquired under the provisions of this section or of the Federal Control Act or of the Act entitled "An Act to provide for the reimbursement of the United States for motive power, cars and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes," approved November 19, 1919, the President shall have the right to make such arrangements for extension of the time of payment or for the exchange of any of them for other securities, or partly for cash and partly for securities, as may be provided for in any agreement entered into by him or as may in his judgment seem desirable

(f) Notes or other evidences of indebtedness—Carriers may, by agreement with the President, issue notes or other evidences of indebtedness, secured by equipment trust agreements, for equipment purchased during Federal control by or through the President under section 6 of the Federal Control Act, and allocated to such carriers respectively, and the filing of such equipment trust agreements with the Commission shall constitute notice thereof to all the world.

(g) Approval or notice of issue of evidences of indebtedness—A carrier may issue evidences of indebtedness pursuant to this section without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification. (Feb. 28, 1920, c 91, § 207, 41 Stat. 462)

EXISTING RATES TO CONTINUE IN EFFECT

§ 10071¼d. (a) Rates, fares, charges, classifications, etc., not to be reduced prior to Sept. 1, 1920—All rates, fares, and charges, and all classifications, regulations, and practices, in any wise changing, affecting, or determining, any part or the aggregate of rates, fares, or charges, or the value of the service rendered, which on February 29, 1920, are in effect on the lines of carriers subject to the Interstate Commerce Act, shall continue in force and effect until thereafter changed by State or Federal authority, respectively, or pursuant to authority of law; but prior to September 1, 1920, no such rate, fare, or charge shall be reduced, and no such classification, regulation, or practice shall be changed in such manner as to reduce any such rate, fare, or charge, unless such reduction or change is approved by the Commission.

(b) Divisions of joint rates, fares, or charges continued—All divisions of joint rates, fares, or charges, which on February 29, 1920, are in effect between the lines of carriers subject to the Interstate Commerce Act, shall continue in force and effect until thereafter changed by mutual agreement between the interested carriers or by State or Federal authorities, respectively.

(c) Compensation of land grant railroads for transportation of troops, etc.—Any land grant railroad organized under the Act of July 28, 1866 (chapter 300), shall receive the same compensation for transportation of property and troops of the United States as is paid to land grant railroads organized under the Land Grant Act of March 3, 1863, and the Act of July 27, 1866 (chapter 278). (Feb. 28, 1920, c. 91, § 208, 41 Stat. 464)

GUARANTY TO CARRIERS AFTER TERMINATION OF FEDERAL CONTROL

§ 10071¼dd. (a) Definitions—(a) When used in this section—

The term "carrier" means (1) a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation is under Federal control at the time Federal control terminates, or which has heretofore engaged as a common carrier in general transportation and competed for traffic, or connected, with a railroad at any time under Federal control, and (2) a sleeping car company whose system of transportation is under Federal control at the time Federal control terminates; but does not include a street or interurban electric railway not under Federal control at the time Federal control terminates, which has as its principal source of operating revenue urban, suburban, or interurban passenger traffic or sale of power, heat, and light, or both,

The term "guaranty period" means the six months beginning March 1, 1920

The term "test period" means the three years ending June 30, 1917, and

The term "railway operating income" and other references to accounts of carriers by railroad shall, in the case of a sleeping car company, be construed as indicating the appropriate corresponding accounts in the accounting system prescribed by the Commission.

(b) Acceptance of section by carriers—This section shall not be applicable to any carrier which does not on or before March 15, 1920, file with the Commission a written statement that it accepts all the provisions of this section.

(c) Guarantees enumerated—The United States hereby guarantees—

(1) With respect to any carrier with which a contract (exclusive of so-called cooperative contracts or waivers) has been made fixing the amount of just compensation under the Federal Control Act, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the amount named in such contract as annual compensation, or, where the contract fixed a lump sum as compensation for the whole period of Federal operation, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than an amount which shall bear the same proportion to the lump sum so fixed as six months bears to the number of months during which such carrier was under Federal operation, including, in both cases the increases in such compensation provided for in section 4 of the Federal Control Act;

(2) With respect to any carrier entitled to just compensation under the Federal Control Act, with which such a contract has not been made, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half of the annual amount estimated by the President as just compensation for such carrier under the Federal Control Act, including the increases in such compensation provided for in section 4 of the Federal Control Act. If any such carrier does not accept the President's estimate respecting its just compensation, and if in proceedings under section 3 of the Federal Control Act it is determined that a larger or smaller annual amount is due as just compensation, the guaranty under this paragraph shall be increased or decreased accordingly;

(3) With respect to any carrier, whether or not en-

titled to just compensation under the Federal Control Act, with which such a contract has not been made, and for which no estimate of just compensation is made by the President, and which for the test period as a whole sustained a deficit in railway operating income, the guaranty shall be a sum equal to (a) the amount by which any deficit in its railway operating income for the guaranty period as a whole exceeds one-half of its average annual deficit in railway operating income for the test period, plus (b) an amount equal to one-half the annual sum fixed by the President under section 4 of the Federal Control Act;

(4) With respect to any carrier not entitled to just compensation under the Federal Control Act, which for the test period as a whole had an average annual railway operating income, that the railway operating income of such carrier for the guaranty period as a whole shall not be less than one-half the average annual railway operating income of such carrier during the test period

(d) Guaranty in excess of minimum operating income—If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (1), (2), or (4) of subdivision (c) is in excess of the minimum railway operating income guaranteed in such paragraph, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States. If for the guaranty period as a whole the railway operating income of any carrier entitled to a guaranty under paragraph (3) of subdivision (c) is in excess of one-half of the annual sum fixed by the President with respect to such carrier under section 4 of the Federal Control Act, such carrier shall forthwith pay the amount of such excess into the Treasury of the United States The amounts so paid into the Treasury of the United States shall be added to the funds made available under section 202 for the purposes indicated in such section. Notwithstanding the provisions of this subdivision, any carrier may retain out of any such excess any amount necessary to enable it to pay its fixed charges accruing during the guaranty period.

(e) Computation of railway operating income or deficit—For the purposes of this section railway operating income, or any deficit therein, for the test period shall be computed in the manner provided for in section 1 of the Federal Control Act.

(f) Same—In computing railway operating income, or any deficit therein, for the guaranty period for the purposes of this section—

(1) Debits and credits arising from the accounts, called in the monthly reports to the Commission equipment rents and joint facility rents, shall be included, but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are not under Federal control at the time of termination thereof, shall be excluded;

(2) Proper adjustments shall be made (a) in case any lines which were, during any portion of the period of Federal control, a part of the railroad or system of transportation of the carrier, and whose railway operating income was included in such income of the carrier for the test period, do not continue to be a part of such railroad or system of transportation during the entire guaranty period, and (b) in case of any lines acquired by, leased to, or consolidated with, the railroad or system of transportation of the carrier at any time since the end of the test period and prior to the expiration of the guaranty period, for which separate operating returns to the Commission are not made in respect to the entire portion of the guaranty period;

(3) There shall not be included in operating expenses, for maintenance of way and structures, or for maintenance of equipment, more than an amount fixed by the Commission. In fixing such amount the Commission shall so far as practicable apply the rule set forth in the proviso in paragraph (a) of section 5 of the "standard contract" between the United States and the carriers (whether or not such contract has been entered into with the carrier whose railway operating income is being computed),

(4) There shall not be included any taxes paid under Title I or II of the Revenue Act of 1917, or such portion of the taxes paid under Title II or III of the Revenue Act of 1918 as by the terms of such Act are to be treated as levied by an Act in amendment of Title I or II of the Revenue Act of 1917, and

(5) The Commission shall require the elimination and restatement of the operating expenses and revenues (other than for maintenance of way and structures, or maintenance of equipment) for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period.

(g) Ascertainment and payment of amounts guaranteed—The Commission shall, as soon as practicable after the expiration of the guaranty period, ascertain and certify to the Secretary of the Treasury the several amounts necessary to make good the foregoing guaranty to each carrier The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of each such carrier upon the Treasury of the United States, for the amount shown in such certificate as necessary to make good such guaranty An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated

(h) Advances during guaranty period—Upon application of any carrier to the Commission, asking that during the guaranty period there may be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as are necessary to enable it to meet its fixed charges and operating expenses, the Commission may certify to the Secretary of the Treasury the amount of, and times at which, such advances, if any, shall be made. The Secretary of the Treasury, on receipt of such certificate, is authorized and directed to make the advances in the amounts and at the times specified in the certificate, upon the execution by the carrier of a contract, secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this section such carrier will repay to the United States any amounts which it has received from such advances in excess of the guaranty, with interest at the rate of 6 per centum per annum from the time such excess was paid. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to make the advances referred to in this subdivision.

(i) Guaranty and advances to American Railway Express Company—If the American Railway Express Company shall, on or before March 15, 1920, file with the Commission a written statement that it accepts all the provisions of this subdivision, the contract of June 26, 1918, between such company and the Director General of Railroads, as amended and continued by agreement dated November 21, 1918, shall remain in full force and effect during the guaranty period in so far as the same constitutes a

guaranty on the part of the United States to such company against a deficit in operating income

In computing operating income, and any deficit therein, for the guaranty period for the purposes of this subdivision, the Commission shall require the elimination and restatement of the operating expenses and revenues for the guaranty period, to the extent necessary to correct and exclude any disproportionate or unreasonable charge to such expenses or revenues for such period, or any charge to such expenses or revenues for such period which under a proper system of accounting is attributable to another period, and to exclude from operating expenses so much of the charge for payment for express privileges to carriers on whose lines the express traffic is carried as is in excess of 50 25 per centum of gross express revenue

For the guaranty period the American Railway Express Company shall pay to every carrier which accepts the provisions of this section, as provided in subdivision (b) hereof, 50 25 per centum of the gross revenue earned on the transportation of all its express traffic on the carrier's lines, and every such carrier shall accept from the American Railway Express Company such percentage of the gross revenue as its compensation In arriving at the gross revenue on through or joint express traffic, the method of dividing the revenue between the carriers shall be that agreed upon between the carriers and such express company and approved by the Commission.

If for the guaranty period as a whole the American Railway Express Company does not have a deficit in operating income, it shall forthwith pay the amount of its operating income for such period into the Treasury of the United States The amount so paid shall be added to the funds made available under section 202 for the purposes indicated in such section

The Commission shall, as soon as practicable after the expiration of the guaranty period, certify to the Secretary of the Treasury the amount necessary to make good the foregoing guaranty to the American Railway Express Company. The Secretary of the Treasury is hereby authorized and directed thereupon to draw warrants in favor of such company upon the Treasury of the United States for the amount shown in such certificate as necessary to make good such guaranty. An amount sufficient to pay such warrants is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Upon application of the American Railway Express Company to the Commission, asking that during the guaranty period, there may be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as are necessary to enable it to meet its operating expenses. the Commission may certify to the Secretary of the Treasury the amount of, and times at which, such advances, if any, shall be made. The Secretary of the Treasury, on receipt of such certificate, is authorized and directed to make the advances in the amounts and at the times specified in the certificate, upon the execution by such company of a contract, secured in such manner as the Secretary may determine, that upon final determination of the amount of the guaranty provided for by this subdivision such company will repay to the United States any amounts which it has received from such advances in excess of the guaranty, with interest at the rate of 6 per centum per annum from the time such excess was paid. There is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to enable the Secretary of the Treasury to make the advances referred to in this subdivision. (Feb. 28, 1920, c. 91, § 209, 41 Stat. 464.)

NEW LOANS TO RAILROADS

§ 10071¼ddd. (a) Applications for loans—For the purpose of enabling carriers by railroad subject to the Interstate Commerce Act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this Act, and before the expiration of two years after the termination of Federal control make application to the commission for a loan from the United States to meet its maturing indebtedness, or to provide itself with equipment or other additions and betterments. setting forth the amount of the loan, the term for which it is desired, the purpose of the loan and the use to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts in detail as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for, and the ability of the applicant to make good the obligation as the commission may deem pertinent to the inquiry.

This paragraph was amended by Act June 5, 1920, c 235, § 5, cited above, to read as set forth above Prior to this amendment this paragraph read as follows "For the purpose of enabling carriers by railroad subject to the Interstate Commerce Act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this Act and before the expiration of two years after the termination of Federal control, make application to the Commission for a loan from the United States, setting forth the amount of the loan and the term for which it is desired, the purpose of the loan and the uses to which it will be applied, the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard, the character and value of the security offered, and the extent to which the public convenience and necessity will be served The application shall be accompanied by statements showing such facts and details as the Commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for and the ability of the applicant to make good the obligation, as the Commission may deem pertinent to the inquiry."

(b) Certificate of findings by Commission on applications—If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan by the United States, for one or more of the aforesaid purposes, is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan the commission shall certify to the Secretary of the Treasury its findings of such facts; also the amount of the loan which is to be made; the time, not exceeding fifteen years from the making thereof, within which it is to be repaid; the terms and conditions of the loan, including the security to be given for repayment; that the prospective earning power of the applicant, together with the character and value of the security offered, furnish, in the opinion of the commission, reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and reasonable protection to the United States; and that the applicant, in the opinion of the commission,

is unable to provide itself with the funds necessary for the aforesaid purposes from other sources

This paragraph was amended by Act June 5, 1920, c 235, § 5, cited above, to read as set forth above Prior to this amendment this paragraph read as follows. "If the Commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan by the United States is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, the Commission may certify to the Secretary of the Treasury its findings of fact and its recommendations as to the amount of the loan which is to be made, the time, not exceeding five years from the making thereof, within which it is to be repaid, the character of the security which is to be offered therefor, and the terms and conditions of the loan."

(c) Terms and conditions of loans—Upon receipt of such certificate from the commission the Secretary of the Treasury shall immediately, or as soon as practicable, make a loan of the amount recommended in such certificate out of any funds in the revolving fund provided for in this section and accept the security prescribed therefor by the commission All such loans shall bear interest at the rate of 6 per centum per annum, payable semiannually, to the Secretary of the Treasury, and to be placed to the credit of said revolving fund The form of obligation to be entered into shall be prescribed by the Secretary of the Treasury, but the time, not exceeding fifteen years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, and the terms and the conditions of the loan shall be in accordance with the findings and the certificate of the commission.

This paragraph was amended by Act June 5, 1920, c 235, § 5, cited above, to read as set forth above Prior to this amendment this paragraph read as follows "Upon receipt of such certificate from the Commission, the Secretary of the Treasury, at any time before the expiration of twenty-six months after the termination of Federal control, is authorized to make a loan, not exceeding the maximum amount recommended in such certificate, out of any moneys in the revolving fund provided for in this section All such loans shall bear interest at the rate of 6 per centum per annum, payable semiannually to the Secretary of the Treasury and to be placed to the credit of the revolving fund provided for in this section The time, not exceeding five years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, which shall be adequate to secure the loan, the terms and conditions of the loan, and the form of the obligation to be entered into, shall be prescribed by the Secretary of the Treasury."

(d) Advice or assistance from Federal Reserve Board—The Commission or the Secretary of the Treasury may call upon the Federal Reserve Board for advice and assistance with respect to any such application or loan

(e) Appropriation—There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $300,000,000, which shall be used as a revolving fund for the purpose of making the loans provided for in this section, and for paying the judgments, decrees, and awards referred to in subdivision (e) of section 206.

(f) Evidences of indebtedness by carriers—A carrier may issue evidences of indebtedness to the United States pursuant to this section without the authorization or approval of any authority, State or Federal, and without compliance with any requirement, State or Federal, as to notification. (Feb. 28, 1920, c 91, § 210, 41 Stat. 468, amended, June 5, 1920, c. 235, § 5, 41 Stat. 946.)

§ 10071¼dddd. Loans; how made—The loans for equipment authorized by section 210, Transportation Act, 1920, may be made to or through such organization, car trust or other agency as may be determined upon or approved or organized for the purpose by the commission as most appropriate in the public interest for the construction, and sale or lease of equipment to carriers, upon such general terms as to security and payment or lease as provided in this section or in subsections 11 and 13 of section 422 of the Transportation Act, 1920 (June 5, 1920, c 235, § 5, 41 Stat 947)

This section is a part of § 5 of the sundry civil appropriation act for the fiscal year 1921, cited above

EXECUTION OF POWERS OF PRESIDENT

§ 10071¼e. Agencies which may be used—All powers and duties conferred or imposed upon the President by the preceding sections of this Act, except the designation of the agent under section 206, may be executed by him through such agency or agencies as he may determine. (Feb 28, 1920, c 91, § 211, 41 Stat. 469)

FURTHER CERTIFICATES AND WARRANTS

§ 10071¼e(1). Authority to make further certificates; warrants; reasonable estimate of effect of deferred debits and credits—(a) In making certifications under section 204 or section 209, the Commission, if not at the time able finally to determine the whole amount due under such section to a carrier or the American Railway Express Company, may make its certificate for any amount definitely ascertained by it to be due, and may thereafter in the same manner make further certificates, until the whole amount due has been certified The authority of and direction to the Secretary of the Treasury under such sections to draw warrants is hereby made applicable to each such certificate. Warrants drawn pursuant to this section, whether in partial payment or in final payment, shall be paid: (1) If for a payment in respect to reimbursement of a carrier for a deficit during the period of Federal control out of the appropriation made by section 204; (2) if for a payment in respect to the guaranty to a carrier other than the American Railway Express Company, out of the appropriation made by subdivision (g) of section 209, and (3) if for a payment in respect to the guaranty to the American Railway Express Company, out of the appropriation made by the fifth paragraph of subdivision (i) of section 209

(b) In ascertaining the several amounts payable under either of such sections, the Commission is authorized, in the case of deferred debits and credits which can not at the time be definitely determined, to make, whenever in its judgment practicable, a reasonable estimate of the net effect of any such items, and, when agreed to by the carrier or express company, to use such estimate as a definitely ascertained amount in certifying amounts payable under either of such sections, and such estimates so agreed to shall be prima facie but not conclusive evidence of their correctness in amount in final settlement (Feb 28, 1920, c 91, § 212, added, Feb 26, 1921, c. 72, 41 Stat. 1145.)

This section was added to the Transportation Act of 1920 by Act Feb. 26, 1921, c. 72, 41 Stat. 1145, cited above.

TITLE III.—DISPUTES BETWEEN CARRIERS AND THEIR EMPLOYEES AND SUBORDINATE OFFICIALS

§ 10071¼ee. Definitions—When used in this title—

(1) The term "carrier" includes any express company, sleeping car company, and any carrier by railroad, subject to the Interstate Commerce Act, except a street, interurban, or suburban electric railway

not operating as a part of a general steam railroad system of transportation;

(2) The term "Adjustment Board" means any Railroad Board of Labor Adjustment established under section 302,

(3) The term "Labor Board" means the Railroad Labor Board,

(4) The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation; and

(5) The term "subordinate official" includes officials of carriers of such class or rank as the Commission shall designate by regulation formulated and issued after such notice and hearing as the Commission may prescribe, to the carriers, and employees and subordinate officials of carriers, and organizations thereof, directly to be affected by such regulations. (Feb 28, 1920, c. 91, § 300, 41 Stat 469)

§ 10071¼eee. Duties of carriers; decision by conferences between representatives of carrier and employees; reference to boards—It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference, it shall be referred by the parties thereto to the board which under the provisions of this title is authorized to hear and decide such dispute. (Feb. 28, 1920, c. 91, § 301, 41 Stat 469)

§ 10071¼f. Establishment of Railroad Boards of Labor Adjustment—Railroad Boards of Labor Adjustment may be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof. (Feb. 28, 1920, c. 91, § 302, 41 Stat 469)

§ 10071¼ff. Duty of boards to receive and decide disputes—Each such adjustment Board shall, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon the written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, (3) upon the Adjustment Board's own motion, or (4) upon the request of the Labor Board whenever such board is of the opinion that the dispute is likely substantially to interrupt commerce, receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving only grievances, rules, or working conditions, not decided as provided in section 301, between the carrier and its employees or subordinate officials, who are, or any organization thereof which is, in accordance with the provisions of section 302, represented upon any such adjustment Board. (Feb. 28, 1920, c. 91, § 303, 41 Stat. 469.)

§ 10071¼fff. Railroad Labor Board; members; vacancies—There is hereby established a board to be known as the "Railroad Labor Board" and to be composed of nine members as follows:

(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the Commission shall by regulation prescribe;

(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the Commission shall by regulation prescribe, and

(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

Any vacancy on the Labor Board shall be filled in the same manner as the original appointment. (Feb. 28, 1920, c 91, § 304, 41 Stat 470.)

§ 10071¼g. Same; selection of members by President—If either the employees or the carriers fail to make nominations and offer nominees in accordance with the regulations of the Commission, as provided in paragraphs (1) and (2) of section 304, within thirty days after the passage of this Act in case of any original appointment to the office of member of the Labor Board, or in case of a vacancy in any such office within fifteen days after such vacancy occurs, the President shall thereupon directly make the appointment, by and with the advice and consent of the Senate. In making any such appointment the President shall, as far as he deems it practicable, select an individual associated in interest with the carriers or employees thereof, whichever he is to represent (Feb. 28, 1920, c. 91, § 305, 41 Stat 470)

For current appropriation for the Railroad Labor Board see Act March 3, 1925, c 468, § 1, 43 Stat. 1206 Section 2 of said act reads as follows "In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with 'The Classification Act of 1923,' the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade Provided, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by 'The Classification Act of 1923,' and is specifically authorized by other law."

§ 10071¼gg. (a) Same; ineligibility of members—Any member of the Labor Board who during his term of office is an active member or in the employ of or holds any office in any organization of employees or subordinate officials, or any carrier, or owns any stock or bond thereof, or is pecuniarily interested therein, shall at once become ineligible for further membership upon the Labor Board; but no such member is required to relinquish honorary membership in, or his rights in any insurance or pension or other benefit fund maintained by, any organization of employees or subordinate officials or by a carrier.

(b) Same; terms of office; compensation; removal—Of the original members of the Labor Board, one from each group shall be appointed for a term of three years, one for two years, and one for one year. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired

term of the member whom he succeeds Each member shall receive from the United States an annual salary of $10,000 A member may be removed by the President for neglect of duty or malfeasance in office but for no other cause. (Feb 28, 1920, c 91, § 306, 41 Stat. 470)

§ 10071¼ggg. (a) Same; disputes certified by Adjustment Boards—The Labor Board shall hear, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions, in respect to which any Adjustment Board certifies to the Labor Board that in its opinion the Adjustment Board has failed or will fail to reach a decision within a reasonable time, or in respect to which the Labor Board determines that any Adjustment Board has so failed or is not using due diligence in its consideration thereof In case the appropriate Adjustment Board is not organized under the provisions of section 302, the Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions which is not decided as provided in section 301 and which such Adjustment Board would be required to receive for hearing and decision under the provisions of section 303.

(b) Same; disputes as to wages or salaries—(b) The Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 301. The Labor Board may upon its own motion within ten days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier The Labor Board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision

(c) Same; decisions; number required to concur in; record of decisions; communication of decisions to parties, etc.—A decision by the Labor Board under the provisions of paragraphs (a) or (b) of this section shall require the concurrence therein of at least 5 of the 9 members of the Labor Board: Provided, That in case of any decision under paragraph (b), at least one of the representatives of the public shall concur in such decision. All decisions of the Labor Board shall be entered upon the records of the board and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each Adjustment Board, and the Commission, and shall be given further publicity in such manner as the Labor Board may determine

(d) Same; establishment of rates of wages, salaries, and standards of working conditions—All the decisions of the Labor Board in respect to wages or salaries and of the Labor Board or an Adjustment Board in respect to working conditions of employees or subordinate officials of carriers shall establish rates of wages and salaries and standards of working conditions which in the opinion of the board are just and reasonable. In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances.

(1) The scales of wages paid for similar kinds of work in other industries;

(2) The relation between wages and the cost of living,

(3) The hazards of the employment;

(4) The training and skill required;

(5) The degree of responsibility,

(6) The character and regularity of the employment; and

(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments. (Feb. 28, 1920, c. 91, § 307, 41 Stat 470)

§ 10071¼h. Same; chairman; offices; investigations; regulations; publication of regulations and decisions—The Labor Board—

(1) Shall elect a chairman by majority vote of its members;

(2) Shall maintain central offices in Chicago, Illinois, but the Labor Board may, whenever it deems it necessary, meet at such other place as it may determine,

(3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time, data and information relating to such questions to the end that the Labor Board may be properly equipped to perform its duties under this title and that the members of the Adjustment Boards and the public may be properly informed,

(4) May make regulations necessary for the efficient execution of the functions vested in it by this title; and

(5) Shall at least annually collect and publish the decisions and regulations of the Labor Board and the Adjustment Boards and all court and administrative decisions and regulations of the Commission in respect to this title, together with a cumulative index-digest thereof. (Feb. 28, 1920, c. 91, § 308, 41 Stat. 472.)

§ 10071¼hh. Hearing of parties in person or by counsel—Any party to any dispute to be considered by an Adjustment Board or by the Labor Board shall be entitled to a hearing either in person or by counsel. (Feb. 28, 1920, c 91, § 309, 41 Stat. 472.)

§ 10071¼hhh. (a) Labor Board; subpœnas to witnesses; production of books, papers, etc.; administration of oaths; depositions; fees and mileage of witnesses—(a) For the efficient administration of the functions vested in the Labor Board by this title, any member thereof may require, by subpœna issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced

to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent Any member of the Labor Board may administer oaths and examine any witness Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Failure to obey subpœna; contempt—In case of failure to comply with any subpœna or in case of the contumacy of any witness appearing before the Labor Board, the board may invoke the aid of any United States district court Such court may thereupon order the witness to comply with the requirements of such subpœna, or to give evidence touching the matter in question, as the case may be Any failure to obey such order may be punished by such court as a contempt thereof.

(c) Incriminating testimony; perjury—No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpœna and under oath, he may so testify or produce evidence, documentary or otherwise But no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Feb. 28, 1920, c. 91, § 310, 41 Stat 472)

§ **10071¼i. (a) Access to books, accounts, records, etc.; penalty for refusal**—When necessary to the efficient administration of the functions vested in the Labor Board by this title, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the board is authorized to consider or investigate Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the Labor Board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of $500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) Information from officers, etc., of United States—Every officer or employee of the United States, whenever requested by any member of the Labor Board or an Adjustment Board duly authorized by the board for the purpose, shall supply to such board any data or information pertaining to the administration of the functions vested in it by this title, which may be contained in the records of his office

(c) Transfer to Labor Board of books, papers, or documents by President—The President is authorized to transfer to the Labor Board any books, papers, or documents pertaining to the administration of the functions vested in the board by this title, which are in the possession of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal Control Act and which are no longer necessary to the administration of the affairs of such agency. (Feb 28, 1920, c. 91, § 311, 41 Stat 472)

§ **10071¼ii. Payment of present scale of wages or salaries; penalty for refusal**—Prior to September 1, 1920, each carrier shall pay to each employee or subordinate official thereof wages or salary at a rate not less than that fixed by the decision of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal Control Act, in effect in respect to such employee or subordinate official immediately preceding 12 01 a. m. March 1, 1920. Any carrier acting in violation of any provision of this section shall upon conviction thereof be liable to a penalty of $100 for each such offense Each such action with respect to any such employee or subordinate official and each day or portion thereof during which the offense continues shall constitute a separate offense Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts. (Feb 28, 1920, c 91, § 312, 41 Stat. 473)

§ **10071¼iii. Determination of violations of decisions of Labor Board or Adjustment Boards**—The Labor Board, in case it has reason to believe that any decision of the Labor Board or of an Adjustment Board is violated by any carrier, or employee or subordinate official or organization thereof, may upon its own motion after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine (Feb 28, 1920, c. 91, § 313, 41 Stat. 473)

§ **10071¼j. Labor Board; secretary; salary; other officers, employees, or agents; expenditures**—The Labor Board may (1) appoint a secretary, who shall receive from the United States an annual salary of $5,000; and (2) subject to the provisions of the civil-service laws, appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the board by this title and as may be provided for by Congress from time to time. All of the expenditures of the Labor Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the Labor Board. (Feb. 28, 1920, c. 91, § 314, 41 Stat. 473.)

§ **10071¼jj. Appropriation**—There is hereby appropriated for the fiscal year ending June 30, 1920, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be expended by the Labor Board, for defraying the expenses of the maintenance and establishment of the board, including the payment of salaries as provided in this title. (Feb. 28, 1920, c. 91, § 315, 41 Stat. 473.)

§ **10071¼jjj. Powers and duties of Board of Mediation and Conciliation**—The powers and duties of the Board of Mediation and Conciliation created by the Act approved July 15, 1913, shall not extend to any dispute which may be received for hearing and decision by any Adjustment Board or the Labor Board (Feb. 28, 1920, c. 91, § 316, 41 Stat. 474.)

TITLE IV.—AMENDMENTS TO INTERSTATE COMMERCE ACT

This Title (§§ 400-441) consists of amendments to the Interstate Commerce Act See ante, §§ 8563-8567, 8569, 8574, 8576, 8581-8584, 8586, 8587, 8591-8592a, 8596-8596c, 8604a, 8601aa

TITLE V—MISCELLANEOUS PROVISIONS

§ 10071¼k. Development of water transportation; duties of Secretary of War; inland waterway defined—It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

The words "inland waterway" as used in this section shall be construed to include the Great Lakes. (Feb. 28, 1920, c. 91, § 500, 41 Stat 499)

Section 501 of this Title extends the time for the taking effect of Act Oct 15, 1914, c 323, § 10 See ante, § 8335u

§ 10071¼kk. Partial invalidity of act—That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of the Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment has been rendered (Feb. 28, 1920, c. 91, § 502, 41 Stat. 499.)

[INLAND WATERWAYS CORPORATION]

§ 10071½. Corporation created; government and direction of corporation by Secretary of War—For the purpose of carrying on the operations of the Government-owned inland, canal, and coastwise waterways system to the point where the system can be transferred to private operation to the best advantage of the Government, of carrying out the mandates of Congress prescribed in section 201 of the Transportation Act, 1920, as amended, and of carrying out the policy enunciated by Congress in the first paragraph of section 500 of such Act, there is hereby created a corporation, in the District of Columbia, to be known as the Inland Waterways Corporation (hereinafter referred to as the "corporation") The Secretary of War shall be deemed to be the incorporator, and the incorporation shall be held effected upon the enactment of this Act. The Secretary of War shall govern and direct the corporation in the exercise of the functions vested in it by this Act (June 3, 1924, c 243, § 1, 43 Stat. 360)

This section, and the five sections next following, are an act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," cited above

§ 10071½a. Capital stock of corporation—The capital stock of the corporation shall be $5,000,000, all of which is hereby subscribed for by the United States Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of $5,000,000 for the purpose of paying such subscription (June 3, 1924, c. 243, § 2, 43 Stat. 360)

See note to § 10071½, ante

§ 10071½b. Operation of transportation and terminal facilities by corporation; application of Interstate Commerce Act—(a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War, under section 201 of the Transportation Act, 1920, as amended, and shall, as soon as there is an improved channel sufficient to permit the same, initiate the water carriage heretofore authorized by law upon the Mississippi River above Saint Louis

(b) If the Secretary of War deems it advisable to discontinue the operation of any part of the transportation or terminal facilities, or to develop and operate new lines, in order to give the public the proper service, he shall report thereon to Congress. The operation of any of such facilities shall not be discontinued and new lines shall not be developed or operated until authorized by Congress.

(c) The operation of the transportation and terminal facilities under this Act shall be subject to the provisions of the Interstate Commerce Act, as amended, and to the provisions of the Shipping Act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated, and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels (June 3, 1924, c 243, § 3, 43 Stat 361.)

See note to § 10071½, ante.

§ 10071½c. Advisory board; members; appointment; qualifications; terms of office; compensation; appointment of, or detail of military officer as, chairman; meetings of board; matters considered by board—(a) The Secretary of War shall appoint an Advisory Board of six members (hereinafter referred to as the "board") from individuals prominently identified with commercial or business interests in territory adjacent to the operations of the corporation. No member of the board shall be an officer, director, or employee of, or substantially interested in, any railroad corporation. Two of

such members shall continue in office for terms of one year, and the remaining four for terms of two, three, four, and five years, respectively, from the date of appointment, the term of each to be designated by the Secretary of War Each successor shall be appointed by the Secretary of War for a term of five years from the date of the expiration of the term of the member whom he succeeds, except that any successor appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the unexpired term of the member whom he succeeds A vacancy in the board shall not impair the powers of the remaining members to execute the functions of the board

(b) The members shall receive no salary for their services on the board but, under regulations and in amounts prescribed by the Secretary of War, may be paid by the corporation a reasonable per diem compensation for attending meetings of the board and for time spent on special service of the corporation, and their traveling expenses to and from such meetings, or when assigned to such special service

(c) In addition to the six members, the Secretary of War shall appoint an individual from civil life, or (notwithstanding section 1222 of the Revised Statutes or any other provision of law, or any rules or regulations issued thereunder) detail an officer from the Military Establishment of the United States, as chairman of the board Any officer so detailed shall, during his term of office as chairman, have the rank, pay, and allowances of a brigadier general, United States Army, and shall be exempt from the operation of any provision of law, or any rules or regulations issued thereunder, which limits the length of such detail or compels him to perform duty with troops Any individual appointed from civil life shall, during his term of office as chairman, receive a salary not to exceed $10,000 a year to be fixed by the Secretary of War. The Secretary of War may delegate to the chairman any of the functions vested in the Secretary by this Act.

(d) The board shall meet for organization purposes when and where called by the Secretary of War, and thereafter at such times and places as the Secretary deems necessary The board shall consider matters submitted to it by the Secretary of War, and make recommendations thereon, and from time to time advise him and make recommendations, in respect of the management and operation of existing facilities, or the development and operation of new lines (June 3, 1924, c 243, § 1, 43 Stat 361.)

See note to § 10071½, ante

§ 10071½d. Powers of corporation—The corporation—

(a) Shall have succession in its corporate name during its existence;

(b) May sue and be sued in its corporate name;

(c) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure;

(d) May make contracts;

(e) May acquire, hold, and dispose of property;

(f) May appoint, fix the compensation of, and remove such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation; define their duties, and require bonds of them, and fix the penalties thereof,

(g) May incur obligations, borrow money for temporary purposes, and issue notes or other evidences of indebtedness therefor, but the aggregate amount of the indebtedness at any time shall not exceed 25 per centum of the value of the assets at such time;

(h) May exercise any of the functions vested in the Secretary of War by sections 201 and 500 of the Transportation Act, 1920, as amended;

(i) May, in the exercise of such functions, conduct the business of a common carrier by water, and maintain, manage, and operate properties held for or used in the service of transportation, or necessary or convenient to such use, and

(j) In addition to the powers specifically granted, shall have such powers as may be necessary or incidental to fulfill the purposes of its creation (June 3, 1924, c. 243, § 5, 43 Stat 362)

See note to § 10071½, ante

§ 10071½e. Property, moneys, rights, etc., transferred to corporation; claims by or against corporation; limitation statutes—(a) The Secretary of War shall transfer to the corporation all assets transferred to, or acquired, constructed, or operated by, or under the direction of, the Secretary of War, or which revert to the United States, under section 201 of the Transportation Act, 1920, as amended, or under the joint resolution entitled "Joint resolution to exempt the New York State Barge Canal from the provisions of section 201 of the Transportation Act, 1920, and for other purposes," approved February 27, 1921.

(b) The rights, privileges, and powers, and the duties and liabilities, of the Secretary of War, or the inland and coastwise waterways service, in respect of any contract, loan, lease, account, or other obligation, under section 201 of such Act, or under such joint resolution, shall become the rights, privileges and powers, and the duties and liabilities, respectively, of the corporation.

(c) All money available for expenditure or the making of loans under such joint resolution or section 201 of such Act, and all money repaid in pursuance of loans made under subdivision (c) of section 201 of such Act, shall be available for expenditure or the making of loans by the corporation under this Act.

(d) The enforceable claims of or against the Secretary of War, or the inland and coastwise waterways service, in respect of the operation, construction, or acquisition of any such transportation facilities, shall become the claims of or against, and may be enforced by or against, the corporation.

(e) The Secretary of War shall adjust and appraise the value, at the time of transfer, of all assets transferred to the corporation under this Act, and such value shall be entered upon the books of the corporation.

(f) In the determination of the running of the statute of limitations or of any prescriptive right, the period of time shall be computed in the same manner as though this Act had not been passed. (June 3, 1924, c. 243, § 6, 43 Stat. 362)

See note to § 10071½, ante.

TITLE LXV—TELEGRAPHS

SUBMARINE CABLES

§ 10099a. Licenses for landing or operating cables connecting United States with foreign country; necessity for—No person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States: Provided, That any such cable now laid within the United States without a license granted by the President may continue to operate without such license for a period of ninety days from the date this Act takes effect: And provided further, That the conditions of this Act shall not apply to cables, all of

which, including both terminals, lie wholly within the continental United States. (May 27, 1921 c. 12, § 1, 42 Stat. 8.)

This section, and the five sections next following, are an act entitled "An act relating to the landing and operation of submarine cables in the United States," cited above

§ 10099b. Same; withholding or revoking by President; terms and conditions of licenses—The President may withhold or revoke such license when he shall be satisfied after due notice and hearing that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed: Provided, That the license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States: And provided further, That nothing herein contained shall be construed to limit the power and jurisdiction heretofore granted the Interstate Commerce Commission with respect to the transmission of messages. (May 27, 1921, c. 12, § 2, 42 Stat 8)

See note to § 10099a, ante.

§ 10099c. Same; preventing landing or operating of cables—The President is empowered to prevent the landing of any cable about to be landed in violation of this Act. When any such cable is about to be or is landed or is being operated, without a license, any district court of the United States exercising jurisdiction in the district in which such cable is about to be or is landed, or any district court of the United States having jurisdiction of the parties, shall have jurisdiction, at the suit of the United States, to enjoin the landing or operation of such cable or to compel, by injunction, the removal thereof. (May 27, 1921, c. 12, § 3, 42 Stat. 8.)

See note to § 10099a, ante.

§ 10099d. Same; violations of act; punishment—Whoever knowingly commits, instigates, or assists in any act forbidden by section 1 of this Act shall be guilty of a misdemeanor and shall be fined not more than $5,000, or imprisoned for not more than one year, or both. (May 27, 1921, c. 12, § 4, 42 Stat. 8)

See note to § 10099a, ante

§ 10099e. Same; definitions—The term "United States" as used in this Act includes the Canal Zone, the Philippine Islands, and all territory continental or insular, subject to the jurisdiction of the United States of America. (May 27, 1921, c. 12, § 5, 42 Stat. 8.)

See note to § 10099a, ante.

§ 10099f. Same; amendment, modification, etc., of rights granted—No right shall accrue to any Government, person, or corporation under the terms of this Act that may not be rescinded, changed, modified, or amended by the Congress. (May 27, 1921, c. 12, § 6, 42 Stat 9.)

See note to § 10099a, ante.

RADIOTELEGRAPHS

§ 10109a. Government owned radio stations and apparatus; use for official business—All land, ship, and airship radio stations, and all apparatus therein owned by the United States may be used by it for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships (June 5, 1920, c. 269, § 1, 41 Stat 1061)

This section, and the two sections next following, are a resolution entitled a "Joint Resolution to authorize the operation of the Government owned radio stations for the use of the general public, and for other purposes," cited above.

§ 10109b. Government owned radio stations and apparatus; use for other than official business; rates—The Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships and between ship and shore Provided, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, the Philippine Islands, the Virgin Islands, and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service: Provided further, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and in any event all rights conferred by this section shall terminate and cease on June 30, 1927, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924 (June 5, 1920, c. 269, § 2, 41 Stat. 1061, amended, April 14, 1922, c. 132, 42 Stat. 495, and Feb. 28, 1925, c. 378, 43 Stat. 1091.)

This section was amended by Res. April 14, 1922, c. 132, cited above, to read as follows

"The Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States, in foreign countries, or by any press association of the United States, and—(b) for the reception and transmission of private commercial messages Provided, That the rates fixed for the reception, and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, and the Orient, shall not be less than the rates charged by privately owned and operated stations for like messages and service. Provided further, That the right to use such stations for any of the purposes named in this section, except for the reception and transmission of press messages, other than press messages between the Atlantic Coast of the United States and ships at sea, shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease on June 30, 1925, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924"

Prior to this amendment this section read as follows: "The Secretary of the Navy is hereby authorized, under

terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages Provided, That the rates fixed for the reception and transmission of commercial messages, other than press messages, shall not be less than the rates charged by privately owned and operated stations for like messages and service Provided further, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof and all rights conferred by this section shall terminate and cease in any event two years from the date this resolution takes effect"

This section was again amended by Res Feb 28, 1925, c. 378, cited above, to read as set forth above

See note to § 10109a, ante

§ 10109c. Same; Act Aug. 13, 1912, c. 287 applicable—All stations owned and operated by the Government, except as herein otherwise provided, shall be used and operated in accordance with the provisions of the Act of Congress entitled "An Act to regulate radio communication," approved August 13, 1912. (June 5, 1920, c 269, § 3, 41 Stat 1061.)

See note to § 10109a, ante.

TITLE LXVIII—REMISSION OF FINES, PENALTIES, AND FORFEITURES

§§ 10130–10134 [Repealed.]

These sections (R S. §§ 5292, 5293, and Act June 22, 1874, c. 391, §§ 17, 18 20, 18 Stat 189, 190) were repealed by Act Sept 21, 1922, c 356, title IV, §§ 642, 643, ante, §§ 5841i-1, 5841i-2.

TITLE LXVIII A—NATIONAL PROHIBITION

§ 10138¼. Short title of act—The short title of this Act shall be the "National Prohibition Act." (Oct 28, 1919, c. 85, § 1, 41 Stat. 305.)

This section, and §§ 10138¼a-10138½g, 10138½-10138½aa, 10138½b, 10138½bb, 10138½c, 10138½cc, 10138½d-10138½m, 10138½n-10138½y, 10138½z, 10138¾-10138¾t, post, are an act entitled "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research, and in the development of fuel, dye, and other lawful industries," cited above, as amended and supplemented.

TITLE I—TO PROVIDE FOR THE ENFORCEMENT OF WAR PROHIBITION

§ 10138¼a. Definitions—The term "War Prohibition Act" used in this Act shall mean the provisions of any Act or Acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the War Prohibition Act shall be hereafter construed to mean any such beverages which contain one-half of 1 per centum or more of alcohol by volume: Provided, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 37 of Title II of this Act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe (Oct. 28, 1919, c 85, title I, § 1, 41 Stat 305.)

These sections (10138¼a-10138¼g) are emergency legislation, operative only for the duration of the World War They are now inoperative, but are retained here as a part of the complete Prohibition act See also, note to § 10138½, ante

§ 10138½b. Investigation and report of violations of War Prohibition Act; duty to prosecute; warrants—The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the War Prohibition Act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury. (Oct. 28, 1919, c. 85, title I, § 2, 41 Stat. 306.)

See notes to §§ 10138½, 10138¼a, ante.

§ 10138½c. Public and common nuisances; punishment for maintaining; liability of owners of property; forfeiture of leases—Any room, house, building, boat, vehicle, structure, or place of any kind where intoxicating liquor is sold, manufactured, kept for sale, or bartered in violation of the War Prohibition Act, and all intoxicating liquor and all property kept and used in maintaining such a place, is hereby declared to be a public and common nuisance, and any person who maintains or assists in maintaining such public and common nuisance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $1,000, or be imprisoned for not less than thirty days or more than one year, or both. If a person has knowledge that his property is occupied or used in violation of the provisions of the War Prohibition Act and suffers the same to be so used, such property shall be subject to a lien for, and may be sold to pay, all fines and costs assessed against the occupant of such building or property for any violation of the War Prohibition Act occurring after the passage hereof, which said lien shall attach from the time of the filing of notice of the commencement of the suit in the office where the records of the transfer of real estate are kept; and any such lien may be established and enforced by legal action instituted for that purpose in any court having jurisdiction. Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease. (Oct. 28, 1919, c. 85, title I, § 3, 41 Stat 306.)

See notes to §§ 10138½, 10138¼a, ante.

§ 10138½d. Abatement of nuisances; injunction; procedure; bond for abatement; contempt in abatement or injunction proceedings—The United States attorney for the district where such nuisance as is defined in this Act exists, or any officer designated by him or the Attorney General of the United States, may prosecute a suit in equity in the name of the United States to abate and enjoin the same Actions in equity to enjoin and abate such nuisances may be brought in any court having jurisdiction to hear and determine equity causes The jurisdiction of the courts of the United States under this section shall be concurrent with that of the courts of the several States

If it be made to appear by affidavit, or other evidence under oath, to the satisfaction of the court, or judge in vacation, that the nuisance complained of exists, a temporary writ of injunction shall forthwith issue restraining the defendant or defendants from conducting or permitting the continuance of such nuisance until the conclusion of the trial. Where a temporary injunction is prayed for, the court may issue an order restraining the defendants and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation constituting the nuisance No bond shall be required as a condition for making any order or issuing any writ of injunction under this Act If the court shall find the property involved was being unlawfully used as aforesaid at or about the time alleged in the petition, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or places of any kind, for a period of not exceeding one year, or during the war and the period of demobilization Whenever an action to enjoin a nuisance shall have been brought pursuant to the provisions of this Act, if the owner, lessee, tenant, or occupant appears and pays all costs of the proceedings and files a bond, with sureties to be approved by the clerk of the court in which the action is brought, in the liquidated sum of not less than $500 nor more than $1,000, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein a period of one year thereafter, or during the war and period of demobilization, the court, or in vacation the judge, may, if satisfied of his good faith, direct by appropriate order that the property, if already closed or held under the order of abatement, be delivered to said owner, and said order of abatement canceled, so far as the same may relate to said property, or if said bond be given and costs therein paid before judgment on an order of abatement, the action shall be thereby abated as to said room, house, building, boat, vehicle, structure, or place only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this Title, the court, or in vacation a judge thereof, may summarily try and punish the defendant The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than $500 nor more than $1 000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment (Oct 28, 1919, c 85, title I, § 4, 41 Stat. 306)

See notes to §§ 10138¼, 10138¼a, ante

§ 10138½e. Powers conferred to enforce act—The Commissioner of Internal Revenue, his assistants, agents, and inspectors, and all other officers of the United States whose duty it is to enforce criminal laws, shall have all the power for the enforcement of the War Prohibition Act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the laws of the United States. (Oct. 28, 1919, c 85, title I, § 5, 41 Stat. 307)

See notes to §§ 10138¼, 10138¼a, ante.

§ 10138½f. Partial invalidity of act—If any section or provision of this Act shall be held to be invalid, it is hereby provided that all other provisions of this Act which are not expressly held to be invalid shall continue in full force and effect (Oct 28, 1919, c. 85, title I, § 6, 41 Stat. 307)

See notes to §§ 10138¼, 10138¼a, ante

§ 10138½g. Acts, orders, or regulations not repealed, annulled, or limited—None of the provisions of this Act shall be construed to repeal any of the provisions of the "War Prohibition Act," or to limit or annul any order or regulation prohibiting the manufacture, sale, or disposition of intoxicating liquors within certain prescribed zones or districts, nor shall the provisions of this Act be construed to prohibit the use of the power of the military or naval authorities to enforce the regulations of the President or Secretary of War or Navy issued in pursuance of law, prohibiting the manufacture, use, possession, sale, or other disposition of intoxicating liquors during the period of the war and demobilization thereafter. (Oct 28, 1919, c 85, title I, § 7, 41 Stat 307)

See notes to §§ 10138¼, 10138¼a, ante

TITLE II—PROHIBITION OF INTOXICATING BEVERAGES

§ 10138½. Definitions—When used in Title II and Title III of this Act (1) The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes: Provided, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.

(2) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

(3) The word "commissioner" shall mean Commissioner of Internal Revenue.

(4) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the commissioner may grant the request.

(5) The term "permit" shall mean a formal written authorization by the commissioner setting forth specifically therein the things that are authorized

(6) The term "bond" shall mean an obligation authorized or required by or under this Act or any regulation, executed in such form and for such a penal sum as may be required by a court, the commissioner or prescribed by regulation

(7) The term "regulation" shall mean any regulation prescribed by the commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this Act, and the commissioner is authorized to make such regulations

Any act authorized to be done by the commissioner may be performed by any assistant or agent designated by him for that purpose Records required to be filed with the commissioner may be filed with an assistant commissioner or other person designated by the commissioner to receive such records. (Oct. 28, 1919, c. 85, title II, § 1, 41 Stat 307)

See note to § 10138½, ante

§ 10138½a. Investigation and report of violations of act; duty to prosecute; search warrants—The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this Act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury Section 1014 of the Revised Statutes of the United States is hereby made applicable in the enforcement of this act. Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the Act approved June 15, 1917 (Fortieth Statutes at Large, page 217, et seq). (Oct. 28, 1919, c. 85, title II, § 2, 41 Stat. 308)

See note to § 10138½, ante

§ 10138½aa. Manufacture, sale, transportation, importation or exportation, delivery, furnishing, or possessing intoxicating liquors prohibited; exceptions—No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor except as authorized in this Act, and all the provisions of this Act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: Provided, That nothing in this Act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts (Oct. 28, 1919, c. 85, title II, § 3, 41 Stat. 308.)

See note to § 10138½, ante

§ 10138½aaa. Same; limitation and regulation; return to United States of distilled spirits exported free of tax and reimported in original packages—No spirituous liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any spirituous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with liquor that may thereafter be manufactured and imported, be sufficient to supply the current need thereafter for all nonbeverage uses Provided, That no vinous liquor shall be imported into the United States unless it is made to appear to the commissioner that vinous liquor for such nonbeverage use produced in the United States is not sufficient to meet such nonbeverage needs: Provided further, That this provision against importation shall not apply to shipments en route to the United States at the time of the passage of this Act And provided further, That the commissioner may authorize the return to the United States under such regulations and conditions as he may prescribe any distilled spirits of American production exported free of tax and reimported in original packages in which exported and consigned for redeposit in the distillery bonded warehouse from which originally removed. (Nov 23, 1921, c. 134, § 2, 42 Stat. 222.)

This section is a part of § 2 of an act entitled "An act supplemental to the National Prohibition Act," cited above See post, § 10138½, and note

§ 10138½b. Same; exceptions; permits to manufacture certain articles; bond of manufacturer; quantity of alcohol; sale of enumerated articles for beverage purposes; punishment—The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this Act if they correspond with the following descriptions and limitations, namely:

(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(d) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes

(f) Vinegar and preserved sweet cider.

A person who manufactures any of the articles mentioned in this section may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records, and make the reports specified in this Act and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, sirup, or the articles named in paragraphs b, c, and d of this section which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c, and d of this section for beverage purposes, or any extract or sirup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage containing one-half of 1 per centum or more of alcohol by volume in which any extract, sirup, or other article is used as an ingredient, shall be subject to the penalties provided in section 29 of this Title If the commissioner shall find, after notice and hearing as provided for in section 5 of this Title, that any person has sold any flavoring extract, sirup, or beverage in violation of this paragraph, he shall notify such person, and any known principal for whom the sale was made, to desist from selling such article, and it shall thereupon be unlawful for a period of one year thereafter for any person so notified to sell any such extract, sirup, or beverage without making an application for, giving a bond, and obtaining a permit so to do, which permit may be issued upon such conditions as the commissioner may deem necessary to prevent such illegal sales, and in addition the commissioner shall require a record and report of sales (Oct. 28, 1919, c. 85, title II, § 4, 41 Stat 309)

See note to § 10138¼, ante

§ 10138½bb. Analysis of manufactured articles; notice to manufacturer; revocation of permit—Whenever the commissioner has reason to believe that any article mentioned in section 4 does not correspond with the descriptions and limitations therein provided, he shall cause an analysis of said article to be made, and if, upon such analysis, the commissioner shall find that said article does not so correspond, he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered mail, as the commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

If the manufacturer of said article fails to show to the satisfaction of the commissioner that the article corresponds to the descriptions and limitations provided in section 4 of this Title, his permit to manufacture and sell such article shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the commissioner reviewed, and the court may affirm, modify, or reverse the finding of the commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, or other disposition of such article. (Oct. 28, 1919, c 85, title II, § 5, 41 Stat. 309.)

See note to § 10138¼, ante

§ 10138½bbb. Change of formula of preparations being used as beverage or for intoxicating beverage purposes—If the commissioner shall find after hearing, upon notice as required in section 5 of Title II of the National Prohibition Act, that any article enumerated in subdivisions b, c, d, or e of section 4 of Title II of said National Prohibition Act is being used as a beverage, or for intoxicating beverage purposes, he may require a change of formula of such article and in the event that such change is not made within a time to be named by the commissioner he may cancel the permit for the manufacture of such article unless it is made clearly to appear to the commissioner that such use can only occur in rare or exceptional instances, but such action of the commissioner may by appropriate proceedings in a court of equity be reviewed, as provided for in section 5, Title II, of said National Prohibition Act: Provided, That no change of formula shall be required and no permit to manufacture any article under subdivision (E), section 4, Title II of the National Prohibition Act shall be revoked unless the sale or use of such article is substantially increased in the community by reason of its use as a beverage or for intoxicating beverage purposes (Nov 23, 1921, c 134, § 2, 42 Stat. 222)

This section is a part of § 2 of an Act entitled "An act supplemental to the National Prohibition Act," cited above See post, § 10138½, and note

§ 10138½c. Permits to manufacture, sell, purchase, transport, or prescribe liquors; exceptions; expiration of permits; wine for sacramental purposes—No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase and use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution.

All permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof. Provided, That the commissioner may without formal application or new bond extend any permit granted under this Act or laws now in force after August 31 in any year to December 31 of the succeeding year: Provided further, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this Act shall not be in force to exceed ninety days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed thirty days. Permits to purchase liquor shall specify the quantity and kind to be purchased and the purpose for which it is to be used No permit shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms of any permit issued under this Title or any law of the United States or of any State regulating traffic in liquor No permit shall be issued to anyone to sell liquor at retail, unless the sale is to be made through a pharmacist designated in the permit and duly licensed under the laws of his State to compound and dispense medicine prescribed by a duly licensed physician No one shall be given a permit to prescribe liquor unless he is a physician duly licensed to practice medicine and actively engaged in the practice of such profession. Every permit shall be in writing, dated when issued, and signed by the commissioner or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the liquor is to be used

The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the

terms of the permit and the provisions of this title In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 5 hereof

Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 6 (save as the same requires a permit to purchase) and section 10 hereof, and the provisions of this Act prescribing penalties for the violation of either of said sections No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture. (Oct. 28, 1919, c 85, title II, § 6, 41 Stat. 310)

See note to § 10138½, ante

§ 10138½cc. Physicians' prescriptions—No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "canceled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the commissioner, which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used and directions for use, stating the amount and frequency of the dose. (Oct. 28, 1919, c. 85, title II, § 7, 41 Stat. 311.)

See note to § 10138½, ante.

§ 10138½ccc. Same; kinds of liquor which may be prescribed; percentage of alcohol in; quantity permitted to be prescribed; number of blanks issued to physicians within given period—Only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void. No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per centum of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of one gallon of vinous liquor, or any such vinous or spirituous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of ten days. No physician shall be furnished with more than one hundred prescription blanks for use in any period of ninety days, nor shall any physician issue more than that number of prescriptions within any such period unless on application therefor he shall make it clearly apparent to the commissioner that for some extraordinary reason a larger amount is necessary, whereupon the necessary additional blanks may be furnished him But this provision shall not be construed to limit the sale of any article the manufacture of which is authorized under section 4, Title II, of the National Prohibition Act. (Nov. 23, 1921, c. 134, § 2, 42 Stat 222)

This section is a part of § 2 of an Act entitled "An act supplemental to the National Prohibition Act," cited above See post, § 10138½, and note

§ 10138½d. Same; blanks for—The commissioner shall cause to be printed blanks for the prescriptions herein required. and he shall furnish the same, free of cost, to physicians holding permits to prescribe The prescription blanks shall be printed in book form and shall be numbered consecutively from one to one hundred, and each book shall be given a number, and the stubs in each book shall carry the same numbers as and be copies of the prescriptions. The books containing such stubs shall be returned to the commissioner when the prescription blanks have been used, or sooner, if directed by the commissioner. All unused, mutilated, or defaced blanks shall be returned with the book No physician shall prescribe and no pharmacist shall fill any prescription for liquor except on blanks so provided, except in cases of emergency, in which event a record and report shall be made and kept as in other cases (Oct. 28, 1919, c 85, title II, § 8, 41 Stat. 311.)

See note to § 10138½, ante

§ 10138½dd. Violations of law by permittee; citation; hearing; revocation of permit—If at any time there shall be filed with the commissioner a complaint under oath setting forth facts showing, or if the commissioner has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this Act, or has violated the laws of any State relating to intoxicating liquor, the commissioner or his agent shall immediately issue an order citing such person to appear before him on a day named not more than thirty and not less than fifteen days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the commissioner with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the judicial district and within fifty miles of the place where the offense is alleged to have occurred, unless the parties agree on another place. If it be found that such person has been guilty of willfully violating any such laws, as charged, or has not in good faith conformed to the provisions of this Act, such permit shall be revoked. and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the commissioner, the permittee may have a review of his decision before a court of equity in the manner provided in section 5 hereof. During the pendency of such action such permit shall be temporarily revoked. (Oct. 28, 1919, c. 85, title II, § 9, 41 Stat 311.)

See note to § 10138½, ante.

§ 10138½e. Record of manufacture, purchase, sale, or transportation of liquor—No person shall manufacture, purchase for sale, sell, or transport any liquor without making at the time a permanent record

thereof showing in detail the amount and kind of liquor manufactured, purchased, sold, or transported, together with the names and addresses of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation The commissioner may prescribe the form of such record, which shall at all times be open to inspection as in this Act provided (Oct 28, 1919, c 85, title II, § 10, 41 Stat 312.)

See note to § 10138¼, ante

§ 10138½ee. Copies of permits to be kept by manufacturers and wholesalers; sales only at wholesale—All manufacturers and wholesale or retail druggists shall keep as a part of the records required of them a copy of all permits to purchase on which a sale of any liquor is made, and no manufacturer or wholesale druggist shall sell or otherwise dispose of any liquor except at wholesale and only to persons having permits to purchase in such quantities. (Oct 28, 1919, c 85, title II, § 11, 41 Stat. 312)

See note to § 10138¼, ante

§ 10138½f. Labels on containers—All persons manufacturing liquor for sale under the provisions of this title shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon, and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold, which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized (Oct. 28, 1919, c 85, title II, § 12, 41 Stat. 312.)

See note to § 10138¼, ante

§ 10138½ff. Records of carriers; verification of copies of permits—It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase which shall be made a part of the carrier's permanent record at the office from which delivery is made.

The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him The name and address of the person identifying the consignee shall be included in the record. (Oct. 28, 1919, c. 85, title II, § 13, 41 Stat 312.)

See note to § 10138¼, ante

§ 10138½g. Notice to carrier of nature of shipments; information on packages—It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor the following information:

Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase or ship the same, together with the name and address of the person using the permit. (Oct. 28, 1919, c. 85, title II, § 14, 41 Stat 312)

See note to § 10138¼, ante.

§ 10138½gg. Consigning, shipping, transporting, delivering, or receiving packages with false statements thereon—It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport, or deliver any such package, knowing such statement to be false (Oct 28, 1919, c. 85, title II, § 15, 41 Stat 313)

See note to § 10138¼, ante

§ 10138½h. Orders to carrier for delivery to persons not actual bona fide consignees—It shall be unlawful to give to any carrier or any officer, agent, or person acting or assuming to act for such carrier an order requiring the delivery to any person of any liquor or package containing liquor consigned to, or purporting or claimed to be consigned to a person, when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor. (Oct. 28, 1919, c. 85, title II, § 16, 41 Stat. 313)

See note to § 10138¼, ante

§ 10138½hh. Advertising liquor or manufacture, sale, or keeping for sale thereof; exceptions—It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained No one shall permit any sign or billboard containing such advertisement to remain upon one's premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor from furnishing price lists, with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles: Provided, however, That nothing in this Act or in the Act making appropriations for the Post Office Department, approved March 3, 1917 (Thirty-ninth Statutes at Large, Part 1, page 1058, et seq), shall apply to newspapers published in foreign countries when mailed to this country. (Oct 28, 1919, c. 85, title II, § 17, 41 Stat. 313)

See note to § 10138¼, ante.

§ 10138½i. Advertising, manufacture, or sale of utensils, apparatus, ingredients or formulæ for manufacture of liquor—It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor. (Oct. 28, 1919, c. 85, title II, § 18, 41 Stat. 313.)

See note to § 10138¼, ante.

§ 10138½ii. Soliciting or receiving orders for liquor—No person shall solicit or receive, nor knowingly permit his employee to solicit or receive, from any person any order for liquor or give any information of how liquor may be obtained in violation of this Act. (Oct. 28, 1919, c. 85, title II, § 19, 41 Stat. 313.)

See note to § 10138¼, ante

§ 10138½j. Right of action for injuries caused by intoxicated person—Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlaw-

fully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property Such action may be brought in any court of competent jurisdiction In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor but recovery by one of such parties shall be a bar to suit brought by the other (Oct 28, 1919, c. 85, title II, § 20, 41 Stat 313)

See note to § 10138¼, ante

§ 10138½jj. Common nuisance; what are; punishment for maintenance; liability of owners of buildings—Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or be imprisoned for not more than one year, or both. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provision of this title, and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation, and any such lien may be enforced by action in any court having jurisdiction. (Oct. 28, 1919, c. 85, title II, § 21, 41 Stat. 314.)

See note to § 10138¼, ante.

§ 10138½k. Same; injunction; procedure; abatement; bond by owner or lessee of building—An action to enjoin any nuisance defined in this title may be brought in the name of the United States by the Attorney General of the United States or by any United States attorney or any prosecuting attorney of any State or any subdivision thereof or by the commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue, restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this Act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or place, or any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than $500 nor more than $1,000, payable to the United States, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this title upon said property (Oct 28, 1919, c. 85, title II, § 22, 41 Stat. 314)

See note to § 10138¼, ante.

§ 10138½l. Nuisances; keeping or carrying liquor with intent to sell or soliciting orders for liquor; injunction; liability of lessees—Any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things

In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violations if the action is brought within sixty days following any such violation of the law.

For removing and selling property in enforcing this Act the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property under execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court

Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease. (Oct. 28, 1919, c. 85, title II, § 23, 41 Stat. 314)

See note to § 10138¼, ante.

§ 10138½*ll*. Violations of injunctions; contempt; procedure—In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this title, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than $500 nor more than $1,000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment. (Oct. 28, 1919, c. 85, title II, § 24, 41 Stat 315)

See note to § 10138¼, ante.

§ 10138½m. Unlawful possession of liquor; search warrants—It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this title or which has been so used, and no property rights shall exist in any such liquor or property A search warrant may issue as provided in Title XI of public law numbered 24 of the Sixty-Fifth Congress, approved June 15, 1917, and such liquor, the containers thereof, and such property so seized shall be subject to such disposition as the court may make thereof.

If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, the liquor, and all property designed for the unlawful manufacture of liquor, shall be destroyed, unless the court shall otherwise order No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process. (Oct. 28, 1919, c. 85, title II, § 25, 41 Stat. 315)

See note to § 10138¼, ante.

§ 10138½mm. Unlawful transportation of liquor or apparatus; seizure and destruction of liquor and sale of apparatus—When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this title in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the Treasury of the United States as miscellaneous receipts All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken or if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the United States as miscellaneous receipts. (Oct. 28, 1919, c. 85, title II, § 26, 41 Stat 315)

See note to § 10138¼, ante.

§ 10138½mmm. Vessels or vehicles forfeited for violations of customs laws; use for enforcement of customs laws or National Prohibition Act—Hereafter any vessel or vehicle summarily forfeited to the United States for violation of the customs laws, may, in the discretion of the Secretary of the Treasury, under such regulations as he may prescribe, be taken and used for the enforcement of the customs laws or the National Prohibition Act, in lieu of the sale thereof under existing law. (March 3, 1925, c. 438, § 1, 43 Stat. 1116)

This section, and the two sections next following, are an act entitled "An act relating to the use or disposition of vessels or vehicles forfeited to the United States for violation of the customs laws or the National Prohibition Act, and for other purposes," cited above

§ 10138½mmmm. Vessels or vehicles forfeited for violations of customs laws or National Prohibition Act; use for enforcement of such laws—Upon application therefor by the Secretary of the Treasury, any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the National Prohibition Act may be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the customs laws or the National Prohibition Act, in lieu of the sale thereof under existing law. (March 3, 1925, c. 438, § 2, 43 Stat. 1116.)

See note to § 10138½mmm, ante

§ 10138½mmmmm. Vessels or vehicles forfeited for violations of customs laws or National Prohibition Act; limitation on use; appropriation for expense of maintenance, etc.; report in Budget as to such vessels or vehicles; disposition when not needed for official use—Any vessel or vehicle acquired under the provisions of section 1 or 2 of this Act shall be utilized only for official purposes in the enforcement of the customs laws or the National Prohibition Act. The appropriations available for defraying the expenses of collecting the revenue from customs or for enforcement of the National Prohibition Act shall hereafter be available for the payment of expenses of maintenance, repair, and operation of said vessels and vehicles, including motor-propelled passenger-carrying vehicles. Said appropriations shall also be available for the payment of the actual costs incident to the seizure and forfeiture, and if the seizure is made under any section of law under which liens are recognized, for the payment of the amount of such lien allowed by the court: Provided, however, That a report shall be submitted to Congress each year in the Budget, setting forth in detail a description of the vessels or vehicles so acquired, the cost of acquiring, the appraised value thereof, the uses to which they have been put, the appraised value of seizures resulting from their use, and the expense of operating such vessels or vehicles. Provided further, That any vessel or vehicle so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property. (March 3, 1925, c. 438, § 3, 43 Stat. 1116.)

See note to § 10138½mmm, ante.

§ 10138½n. Delivery of seized liquors to United States for certain purposes—In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this Act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor the proceeds to be covered into the Treasury of

the United States to the credit of miscellaneous receipts, and all liquor heretofore seized in any suit or proceeding brought for violation of law may likewise be so disposed of, if not claimed within sixty days from the date this section takes effect. (Oct. 28, 1919, c 85, title II, § 27, 41 Stat 316.)

See note to § 10138¼, ante

§ 10138½o Powers of and protection to internal revenue officers—The commissioner, his assistants, agents, and inspectors, and all other officers of the United States, whose duty it is to enforce criminal laws, shall have all the power and protection in the enforcement of this Act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the law of the United States (Oct 28, 1919, c. 85, title II, § 28, 41 Stat. 316.)

See note to § 10138¼, ante

§ 10138½p. Unlawful manufacture or sale of liquor; punishment; violations of permits; punishment—Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than $1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years.

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than $500, for a second offense not less than $100 nor more than $1,000, or be imprisoned not more than ninety days, for any subsequent offense he shall be fined not less than $500 and be imprisoned not less than three months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this Act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar. (Oct. 28, 1919, c. 85, title II, § 29, 41 Stat. 316.)

See note to § 10138¼, ante.

§ 10138½q. Privilege of witnesses; immunity from prosecution—No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpœna of any court in any suit or proceeding based upon or growing out of any alleged violation of this Act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying. (Oct. 28, 1919, c. 85, title II, § 30, 41 Stat. 317.)

See note to § 10138¼, ante.

§ 10138½r. Place of delivery of liquor sold—In case of a sale of liquor where the delivery thereof was made by a common or other carrier the sale and delivery shall be deemed to be made in the county or district wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county or district wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county or district (Oct. 28, 1919, c 85, title II, § 31, 41 Stat 317)

See note to § 10138¼, ante

§ 10138½s. Affidavits, information or indictments; joinder of separate offenses—In any affidavit, information, or indictment for the violation of this Act, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so. (Oct. 28, 1919, c 85, title II, § 32, 41 Stat 317.)

See note to § 10138¼, ante.

§ 10138½t. Possession of liquor prima facie evidence of unlawful purpose; reports of possession; exception—After February 1, 1920, the possession of liquors by any person not legally permitted under this title to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title Every person legally permitted under this title to have liquor shall report to the commissioner within ten days after the date when the eighteenth amendment of the Constitution of the United States goes into effect, the kind and amount of intoxicating liquors in his possession. But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed, and used. (Oct. 28, 1919, c. 85, title II, § 33, 41 Stat 317.)

See note to § 10138¼, ante.

§ 10138½u. Records and reports; inspection; use as evidence—All records and reports kept or filed under the provisions of this Act shall be subject to inspection at any reasonable hour by the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for. (Oct. 28, 1919, c. 85, title II, § 34, 41 Stat. 317.)

See note to § 10138¼, ante

§ 10138½v. Repeal; tax on liquors; compromise of civil actions—All provisions of law that are inconsistent with this Act are repealed only to the extent of such inconsistency and the regulations herein provided for the manufacture or traffic in intoxicating liquor shall be construed as in addition to existing laws. This Act shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. No liquor revenue stamps or tax receipts for any illegal manufacture or sale shall be issued in advance, but upon evidence of such illegal manufacture or sale a tax shall be assessed against, and collected from, the

person responsible for such illegal manufacture or sale in double the amount now provided by law, with an additional penalty of $500 on retail dealers and $1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability, nor shall this Act relieve any person from any liability, civil or criminal, heretofore or hereafter incurred under existing laws

The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this title before bringing action in court, and with the approval of the Attorney General he may compromise any such cause after action thereon has been commenced (Oct. 28, 1919, c. 85, title II, § 35, 41 Stat. 317)

See note to § 10138¼, ante

§ 10138½w. Partial invalidity of act—If any provision of this Act shall be held invalid it shall not be construed to invalidate other provisions of the Act (Oct 28, 1919, c. 85, title II, § 36, 41 Stat 318.)

See note to § 10138¼, ante

§ 10138½x. Storage or transportation of liquor in or to bonded warehouses; development of liquids to contain more than ½ of one per centum of alcohol; reduction of same; tax on fortified wines for non-beverage alcohol; burden of proof as to volume of alcohol—Nothing herein shall prevent the storage in United States bonded warehouses of all liquor manufactured prior to the taking effect of this Act, or prevent the transportation of such liquor to such warehouses or to any wholesale druggist for sale to such druggist for purposes not prohibited when the tax is paid, and permits may be issued therefor

A manufacturer of any beverage containing less than one-half of 1 per centum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, or wine, containing more than one-half of 1 per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per centum of alcohol: Provided, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages The alcohol removed from such liquid, if evaporated and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

When fortified wines are made and used for the production of non-beverage alcohol, and dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this Act, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only.

In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per centum or more of alcohol by volume, or in any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per centum of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per centum before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per centum of alcohol by volume In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case. (Oct 28, 1919, c 85, title II, § 37, 41 Stat 318)

See note to § 10138¼, ante.

§ 10138½y. Employés and equipment for enforcement of act; appointment and purchase; appropriation—The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this Act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this Act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the Civil Service Act. Provided, That the Commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war, if otherwise qualified, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for the enforcement of this Act including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000 for the use of the Commissioner of Internal Revenue and $100,000 for the use of the Department of Justice for the enforcement of the provisions of this Act, including personal services in the District of Columbia and necessary printing and binding. (Oct. 28, 1919, c. 85, title II, § 38, 41 Stat. 319.)

See note to § 10138¼, ante. See, also, ante, §§ 5859d, 5859e

§ 10138½yy. Storage in private warehouses of intoxicating liquors seized under National Prohibition Act, Customs laws, or internal revenue laws—No money herein appropriated for the enforcement of the National Prohibition Act, the customs laws, or internal revenue laws, shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said Acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district, the jurisdiction over such property in the district wherein it was seized shall not be af-

lected thereby. (April 4, 1924, c 84, title I, 43 Stat. 72 Jan 22, 1925, c 87, title I, 43 Stat 771)

From the Treasury and Post Office Departments appropriation act for the year 1926, cited above A similar provision is contained in a prior act

§ 10138½z. Summons to citizens whose property rights may be affected—In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court (Oct 28, 1919, c 85, title II, § 39, 41 Stat 319)

See note to § 10138½, ante

TITLE III—INDUSTRIAL ALCOHOL

§ 10138¾. Definitions—When used in this title—

The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced

The term "container" includes any receptacle, vessel, or form of package, tank, or conduit used or capable of use for holding, storing, transferring, or shipment of alcohol (Oct 28, 1919, c. 85, title III, § 1, 41 Stat. 319)

See note to § 10138½, ante

INDUSTRIAL ALCOHOL PLANTS AND WAREHOUSES

§ 10138¾a. Registration of plants and warehouses; applications; bonds; permits—Any person now producing alcohol shall, within thirty days after the passage of this Act, make application to the commissioner for registration of his industrial alcohol plant, and as soon thereafter as practicable the premises shall be bonded and permit may issue for the operation of such plant, and any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit. (Oct. 28, 1919, c. 85, title III, § 2, 41 Stat. 319.)

See note to § 10138½, ante.

§ 10138¾b. Establishment of warehouses—Warehouses for the storage and distribution of alcohol to be used exclusively for other than beverage purposes may be established upon filing of application and bond, and issuance of permit at such places, either in connection with the manufacturing plant or elsewhere, as the commissioner may determine; and the entry and storage of alcohol therein, and the withdrawals of alcohol therefrom shall be made in such containers and by such means as the commissioner by regulation may prescribe. (Oct. 28, 1919, c. 85, title III, § 3, 41 Stat. 319.)

See note to § 10138½, ante.

§ 10138¾c. Transfer of alcohol to other plants or warehouses—Alcohol produced at any registered industrial alcohol plant or stored in any bonded warehouse may be transferred under regulations to any other registered industrial alcohol plant or bonded warehouse for any lawful purpose. (Oct. 28, 1919, c. 85, title III, § 4, 41 Stat. 320)

See note to § 10138¼, ante.

§ 10138¾d. Tax on alcohol—Any tax imposed by law upon alcohol shall attach to such alcohol as soon as it is in existence as such, and all proprietors of industrial alcohol plants and bonded warehouses shall be jointly and severally liable for any and all taxes on any and all alcohol produced thereat or stored therein. Such taxes shall be a first lien on such alcohol and the premises and plant in which such alcohol is produced or stored, together with all improvements and appurtenances thereunto belonging or in any wise appertaining. (Oct 28, 1919, c 85, title III, § 5, 41 Stat 320.)

See note to § 10138¾, ante

§ 10138¾e. Withdrawal of distilled spirits from bonded warehouses for denaturing or deposit in warehouse established under act—Any distilled spirits produced and fit for beverage purposes remaining in any bonded warehouse on or before the date when the eighteenth amendment of the Constitution of the United States goes into effect, may, under regulations, be withdrawn therefrom either for denaturation at any bonded denaturing plant or for deposit in a bonded warehouse established under this Act, and when so withdrawn, if not suitable as to proof, purity, or quality for other than beverage purposes, such distilled spirits shall be redistilled, purified, and changed in proof so as to render such spirits suitable for other purposes, and having been so treated may thereafter be denatured or sold in accordance with the provisions of this Act. (Oct 28, 1919, c. 85, title III, § 6, 41 Stat 320)

See note to § 10138¾, ante

§ 10138¾f. Operation of distillery or bonded warehouse as industrial alcohol plant or bonded warehouse therefor—Any distillery or bonded warehouse heretofore legally established may, upon filing application and bond and the granting of permit, be operated as an industrial alcohol plant or bonded warehouse under the provisions of this title and regulations made thereunder. (Oct. 28, 1919, c. 85, title III, § 7, 41 Stat. 320.)

See note to § 10138¾, ante.

§ 10138¾g. Production, use or sale of alcohol—Alcohol may be produced at any industrial alcohol plant established under the provisions of this title, from any raw materials or by any processes suitable for the production of alcohol, and, under regulations, may be used at any industrial alcohol plant or bonded warehouse or sold or disposed of for any lawful purpose, as in this Act provided. (Oct. 28, 1919, c 85, title III, § 8, 41 Stat. 320.)

See note to § 10138¾, ante.

§ 10138¾h. Exemption of plants and warehouses from certain laws—Industrial alcohol plants and bonded warehouses established under the provisions of this title shall be exempt from the provisions of sections 3154, 3244, 3258, 3259, 3260, 3263, 3264, 3266, 3267, 3268, 3269, 3271, 3273, 3274, 3275, 3279, 3280, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3302, 3303, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, and 3327 of the Revised Statutes; sections 48 to 60, inclusive, and sections 62 and 67 of the Act of August 27, 1894 (Twenty-eighth Statutes, pages 563 to 568), and from such other provisions of existing laws relating to distilleries and bonded warehouses as may, by regulations, be declared inapplicable to industrial alcohol plants and bonded warehouses established under this Act.

Regulations may be made embodying any provision of the sections above enumerated. (Oct. 28, 1919, c. 85, title III, § 9, 41 Stat 320.)

See note to § 10138¼, ante

TAX-FREE ALCOHOL

§ 10138¾i. Denatured alcohol; denaturing plants; tax—Upon the filing of application and bond and issuance of permit denaturing plants may be established upon the premises of any industrial alcohol plant, or elsewhere, and shall be used exclusively for the denaturation of alcohol by the admixture of

such denaturing materials as shall render the alcohol, or any compound in which it is authorized to be used, unfit for use as an intoxicating beverage

Alcohol lawfully denatured may, under regulations, be sold free of tax either for domestic use or for export

Nothing in this Act shall be construed to require manufacturers of distilled vinegar to raise the proof of any alcohol used in such manufacture or to denature the same. (Oct. 28, 1919, c. 85, title III, § 10, 41 Stat 320)

See note to § 10138¼, ante

§ 10138¾j. Withdrawal of alcohol tax free for denaturing and other enumerated purposes—Alcohol produced at any industrial alcohol plant or stored in any bonded warehouse may, under regulations, be withdrawn tax free as provided by existing law from such plant or warehouse for transfer to any denaturing plant for denaturation, or may, under regulations, before or after denaturation, be removed from any such plant or warehouse for any lawful tax-free purpose.

Spirits of less proof than one hundred and sixty degrees may, under regulations, be deemed to be alcohol for the purpose of denaturation, under the provisions of this title.

Alcohol may be withdrawn, under regulations, from any industrial plant or bonded warehouse tax free by the United States or any governmental agency thereof, or by the several States and Territories or any municipal subdivision thereof or by the District of Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium.

But any person permitted to obtain alcohol tax free, except the United States and the several States and Territories and subdivisions thereof, and the District of Columbia, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under title II of this Act, but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States, Territories and subdivisions thereof, and the District of Columbia, may be purchased and withdrawn subject only to such regulations as may be prescribed. (Oct. 28, 1919, c. 85, title III, § 11, 41 Stat. 321.)

See note to § 10138¼, ante.

GENERAL PROVISIONS

§ 10138¾k. Penalties additional to other penalties—The penalties provided in this title shall be in addition to any penalties provided in title 2 of this Act, unless expressly otherwise therein provided. (Oct. 28, 1919, c. 85, title III, § 12, 41 Stat. 321.)

See note to § 10138¼, ante

§ 10138¾l. Regulations for establishment, bonding and operation of industrial alcohol plants, denaturing plants, and bonded warehouses—The commissioner shall from time to time issue regulations respecting the establishment, bonding, and operation of industrial alcohol plants, denaturing plants, and bonded warehouses authorized herein, and the distribution, sale, export, and use of alcohol which may be necessary, advisable, or proper, to secure the revenue, to prevent diversion of the alcohol to illegal uses, and to place the nonbeverage alcohol industry and other industries using such alcohol as a chemical raw material or for other lawful purpose upon the highest possible plane of scientific and commercial efficiency consistent with the interests of the Government, and which shall insure an ample supply of such alcohol and promote its use in scientific research and the development of fuels, dyes, and other lawful products (Oct 28, 1919, c 85, title III, § 13, 41 Stat 321)

See note to § 10138¼, ante

§ 10138¾m. Refund of tax on alcohol for loss, evaporation, shrinkage or leakage—Whenever any alcohol is lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause during distillation, redistillation, denaturation, withdrawal, piping, shipment, warehousing, storage, packing, transfer, or recovery, of any such alcohol the commissioner may remit or refund any tax incurred under existing law upon such alcohol, provided he is satisfied that the alcohol has not been diverted to any illegal use: Provided, also, That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance. (Oct. 28, 1919, c. 85, title III, § 14, 41 Stat. 321.)

See note to § 10138¼, ante.

§ 10138¾n. Unlawful operation of industrial alcohol plant or denaturing plant; punishment—Whoever operates an industrial alcohol plant or a denaturing plant without complying with the provisions of this title and lawful regulations made thereunder, or whoever withdraws or attempts to withdraw or secure tax free any alcohol subject to tax, or whoever otherwise violates any of the provisions of this title or of regulations lawfully made thereunder shall be liable, for the first offense, to a penalty of not exceeding $1,000, or imprisonment not exceeding thirty days, or both, and for a second or cognate offense to a penalty of not less than $100 nor more than $10,000, and to imprisonment of not less than thirty days nor more than one year. It shall be lawful for the commissioner in all cases of second or cognate offense to refuse to issue for a period of one year a permit for the manufacture or use of alcohol upon the premises of any person responsible in any degree for the violation. (Oct. 28, 1919, c. 85, title III, § 15, 41 Stat. 321)

See note to § 10138¼, ante.

§ 10138¾o. Collection of tax upon alcohol—Any tax payable upon alcohol under existing law may be collected either by assessment or by stamp as regulations shall provide; and if by stamp, regulations shall issue prescribing the kind of stamp to be used and the manner of affixing and canceling the same. (Oct. 28, 1919, c. 85, title III, § 16, 41 Stat. 322.)

See note to § 10138¼, ante

§ 10138¾p. Release of property seized—When any property is seized for violation of this title it may be released to the claimant or to any intervening party, in the discretion of the commissioner, on a bond given and approved. (Oct. 28, 1919, c. 85, title III, § 17, 41 Stat. 322.)

See note to § 10138¼, ante.

§ 10138¾q. Provisions of internal revenue laws made applicable—All administrative provisions of internal-revenue law, including those relating to assessment, collection, abatement, and refund of taxes and penalties, and the seizure and forfeiture of property, are made applicable to this title in so far as they are not inconsistent with the provisions thereof. (Oct. 28, 1919, c. 85, title III, § 18, 41 Stat. 322.)

See note to § 10138¼, ante

§ 10138¾r. Repeal of laws relating to alcohol—All prior statutes relating to alcohol as defined in this title are hereby repealed in so far as they are inconsistent with the provisions of this title. (Oct. 28, 1919, c. 85, title III, § 19, 41 Stat 322.)

See note to § 10138¼, ante.

§ 10138¾s. Intoxicating liquors in Canal Zone—It shall be unlawful to import or introduce into the Canal Zone, or to manufacture, sell, give away, dis-

pose of, transport, or have in one's possession or under one's control within the Canal Zone, any alcoholic, fermented, brewed, distilled, vinous, malt, or spirituous liquors, except for sacramental, scientific, pharmaceutical, industrial, or medicinal purposes, under regulations to be made by the President, and any such liquors within the Canal Zone in violation hereof shall be forfeited to the United States and seized: Provided, That this section shall not apply to liquor in transit through the Panama Canal or on the Panama Railroad

That each and every violation of any of the provisions of this section shall be punished by a fine of not more than $1,000 or imprisonment not exceeding six months for a first offense, and by a fine not less than $200 nor more than $2,000 and imprisonment not less than one month nor more than five years for a second or subsequent offense.

That all offenses heretofore committed within the Canal Zone may be prosecuted and all penalties therefor enforced in the same manner and to the same extent as if this Act had not been passed. (Oct 28, 1919, c 85, title III, § 20, 41 Stat 322)

See note to § 10138½, ante

§ 10138¾t. Time of taking effect of act—Titles I and III and sections 1, 27, 37, and 38 of title II of this Act shall take effect and be in force from and after the passage and approval of the Act The other sections of title II shall take effect and be in force from and after the date when the eighteenth amendment of the Constitution of the United States goes into effect. (Oct 28, 1919, c. 85, title III, § 21, 41 Stat. 322)

See note to § 10138½, ante

TITLE IV—SUPPLEMENTAL PROVISIONS

§ 10138⅝. Definitions—The words "person," "commissioner," "application," "permit," "regulation," and "liquor," and the phrase "intoxicating liquor," when used in this Act, shall have the same meaning as they have in Title II of the National Prohibition Act (Nov 23, 1921, c 134, § 1, 42 Stat 222.)

This section is § 1 of an Act entitled "An act supplemental to the National Prohibition Act," cited above. Section 2 of said Act Nov. 23, 1921, c. 134, is set forth ante, as §§ 10138½aaa, 10138½bbb, 10138½ccc, section 3 is set forth post, as § 10138½a, section 4 is set forth post, as § 10138⅝b; section 5 is set forth post, as §§ 10138⅝c, 10138⅝d, 10138⅝e, and section 6 is set forth post, as §§ 10184a, 10196a.

§ 10138⅝a. Application of laws to all territory subject to jurisdiction of United States—This Act and the National Prohibition Act shall apply not only to the United States but to all territory subject to its jurisdiction, including the Territory of Hawaii and the Virgin Islands; and jurisdiction is conferred on the courts of the Territory of Hawaii and the Virgin Islands to enforce this Act and the National Prohibition Act in such Territory and Islands. (Nov. 23, 1921, c. 134, § 3, 42 Stat. 223)

This section is § 3 of an act entitled "An act supplemental to the National Prohibition Act," cited above See ante, § 10138½, and note.

§ 10138⅝b. Regulations by Commissioner of Internal Revenue—Regulations may be made by the commissioner to carry into effect the provisions of this Act. Any person who violates any of the provisions of this Act shall be subject to the penalties provided for in the National Prohibition Act. (Nov. 23, 1921, c. 134, § 4, 42 Stat. 223.)

This section is § 4 of an Act entitled "An act supplemental to the National Prohibition Act," cited above. See ante, § 10138½, and note.

§ 10138⅝c. Laws and penalties in force at time of adoption of National Prohibition Act continued in force; conviction under one law bar to prosecution under another; assessment and collection of taxes and penalties—All laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the National Prohibition Act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor, except such provisions of such laws as are directly in conflict with any provision of the National Prohibition Act or of this Act, but if any act is a violation of any of such laws and also of the National Prohibition Act or of this Act, a conviction for such act or offense under one shall be a bar to prosecution therefor under the other All taxes and tax penalties provided for in section 35 of Title II of the National Prohibition Act shall be assessed and collected in the same manner and by the same procedure as other taxes on the manufacture of or traffic in liquor (Nov 23, 1921, c 134, § 5, 42 Stat. 223)

This section is a part of § 5 of an act entitled "An act supplemental to the National Prohibition Act," cited above. See ante, § 10138½, and note

§ 10138⅝d. Distilled spirits lost by theft, accidental fire or other casualty while in possession of common carrier; taxes and penalties not to be imposed or collected on—If distilled spirits upon which the internal-revenue tax has not been paid are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the Transportation Act of 1920 or the Merchant Marine Act, 1920, or if lost by theft from a distillery or other bonded warehouse, and it shall be made to appear to the commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since the passage of the National Prohibition Act or that may accrue hereafter. (Nov. 23, 1921, c. 134, § 5, 42 Stat. 223.)

This section is a part of § 5 of an act entitled "An act supplemental to the National Prohibition Act," cited above See ante, § 10138½, and note.

§ 10138⅝e. Title III not limited—Nothing in this section shall be construed as in any manner limiting or restricting the provisions of Title III of the National Prohibition Act. (Nov. 23, 1921, c. 134, § 5, 42 Stat. 223.)

This section is a part of § 5 of an act entitled "An act supplemental to the National Prohibition Act," cited above. See ante, § 10138½, and note. See, also, ante, §§ 10138⅝c, 10138⅝d.

TITLE LXIX A—THE CRIMINAL CODE

Chapter Three—Offenses Against the Elective Franchise and Civil Rights of Citizens

§ 10184a. Searches without search warrant; punishment—Any officer, agent, or employee of the United States engaged in the enforcement of this Act, or the National Prohibition Act, or any other

law of the United States, who shall search any private dwelling as defined in the National Prohibition Act, and occupied as such dwelling, without a warrant directing such search, or who while so engaged shall without a search warrant maliciously and without reasonable cause search any other building or property, shall be guilty of a misdemeanor and upon conviction thereof shall be fined for a first offense not more than $1,000, and for a subsequent offense not more than $1,000 or imprisoned not more than one year, or both such fine and imprisonment (Nov 23, 1921, c 134, § 6, 42 Stat 223)

This section is a part of § 6 of an act entitled "An act supplemental to the National Prohibition Act," cited above See ante, § 10138½, and note.

Chapter Four—Offenses Against the Operations of the Government

§ 10196a. Falsely representing to be officer, agent, or employee of United States and making arrest or search of the person, buildings or other property; punishment—Whoever not being an officer, agent, or employee of the United States shall falsely represent himself to be such officer, agent, or employee and in such assumed character shall arrest or detain any person, or shall in any manner search the person, buildings, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000, or imprisoned for not more than one year, or by both such fine and imprisonment (Nov. 23, 1921, c. 134, § 6, 42 Stat 224)

This section is a part of § 6 of an act entitled "An act supplemental to the National Prohibition Act," cited above See ante, § 10138½, and note.

§ 10199. (Crim. Code, § 35, amended). Presenting false claims; unlawful purchase of public property—Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, or for the purpose and with the intent of cheating and swindling or defrauding the Government of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, any personal property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than ten years, or both And whoever shall purchase, or receive in pledge from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than two years, or both (R. S. § 5438, May 30, 1908, c. 235, 35 Stat 555 March 4, 1909, c 321, § 35, 35 Stat 1095, amended, Oct 23, 1918, c. 194, 40 Stat. 1015)

This section was again amended by Act Oct 23, 1918, c 194, 40 Stat. 1015, cited above, to read as set forth above. Prior to this amendment this section read as follows: "Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States or willfully to conceal such money or other property, shall deliver or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years."

§ 10212c. Espionage; seditious or disloyal acts, utterances or statements—Whoever, when the United States is at war, shall willfully make or convey

false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both (June 15, 1917, c. 30, title I, § 3, 40 Stat 219)

This is § 3 of title I of Act June 15, 1917, c 30 It was amended by Act May 16, 1918, c 75, § 1, 40 Stat 553 Said amendatory act was repealed, and this section revived and restored, by Res. March 3, 1921, c 136, ante, § 3115½f

§ 10212cc. [Repealed.]

This section (Act May 16, 1918, c 75, § 2, 40 Stat 554) was repealed by Res March 3, 1921, c 136, ante, § 3115½f

§ 10251. [Repealed.]

This section (Criminal Code, § 83) is repealed by § 318 of Act Feb 28, 1925, c 368, 43 Stat 1074 See §§ 198¼-198¼p, and notes thereunder

Act Oct 16, 1918, c 187, 40 Stat 1013, was repealed by § 318 of Act Feb 28, 1925, c 368, 43 Stat 1074 Said act read as follows "Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to any person, either to vote or withhold his vote or to vote for or against any candidate, or whoever solicits, accepts, or receives any money or other thing of value in consideration of his vote for or against any candidate for Senator or Representative or Delegate in Congress at any primary or general or special election, shall be fined not more than $1,000, or imprisoned not more than one year, or both" See §§ 198¼-198¼p, and notes thereunder.

§ 10252 (Crim. Code, § 84, as amended.) Hunting or taking eggs on bird breeding grounds -- Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than $500, or imprisoned not more than six months, or both. (March 4, 1909, c. 321, § 84, 35 Stat. 1104. April 15, 1924, c. 108, 43 Stat. 98.)

Chapter Five—Offenses Relating to Official Duties

§ 10267a. Court officers appropriating money —Any United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such marshal, clerk, receiver, referee, trustee, or other officer who shall, after demand by the party entitled thereto, unlawfully retain or who shall convert to his own use or to the use of another any moneys received for or on account of costs or advance deposits to cover fees, expenses, or costs, deposits for fees or expenses in bankruptcy cases, composition funds or money of bankrupt estates, fees in naturalization matters, or any other money whatever which has come into his hands by virtue of his official relation or by the fact of his official position or employment shall be deemed guilty of embezzlement and shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than double the value of the money thus retained or converted or imprisoned not more than ten years, or both; and it shall not be a defense in such a case that the accused person had an interest, contingent or otherwise, in some part of such moneys or of the fund from which they were retained or converted (May 29, 1920, c 212, 41 Stat 630)

This section is an act entitled "An act to provide for the punishment of officers of United States courts wrongfully converting money coming into their possession, and for other purposes," cited above

§ 10281a. Use of appropriations to pay for personal service to influence member of Congress to favor or oppose legislation—Hereafter no part of the money appropriated by this or any other Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation, but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or both. (July 11, 1919, c. 6, § 6, 41 Stat 68.)

This section is § 6 of the deficiency appropriation act for the fiscal year 1919, and prior year, cited above

§ 10288. (Crim. Code, § 118, as amended.) Political contributions; solicitation—It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States, or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person. (Jan 16, 1883, c. 27, § 11, 22 Stat. 406. March 4, 1909, c. 321, § 118, 35 Stat. 1110. Feb. 28, 1925, c. 368, § 312, 43 Stat. 1073)

This section was again amended by Act Feb. 28, 1925, c. 368, § 312, cited above, to read as set forth above

§ 10294a. Disposition of bribe moneys—Hereafter all moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment or decree of the said court, to be subject, however, to the provisions of section 996 Revised Statutes, as amended. (Jan 7, 1925, c. 33, 43 Stat. 726)

This section is an act entitled "An act to provide for the disposition of moneys paid to or received by any official as a bribe, which may be used as evidence in any case growing out of any such transaction," cited above.

Chapter Eight—Offenses Against the Postal Service

§ 10364. (Crim. Code, § 194, amended.) Stealing, secreting or embezzling, mail matter—Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both (R. S. §§ 3892, 5469, 5470. March 4, 1909, c. 321, § 194, 35 Stat. 1125 Feb 25, 1925, c 318, 43 Stat. 977)

This section was amended by Act Feb. 25, 1925, c. 318, cited above, to read as set forth above.

§ 10387. (Crim. Code § 217, amended.) Poisons or explosives not mailable; packing permitted; intoxicating liquors; mailing; injurious intent—All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials, of whatever kind, which may kill or in anywise hurt, harm, or injure another or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: Provided, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than two years, or both, and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both (March 4, 1909, c 321, § 217, 35 Stat. 1131 Amended, May 25, 1920, c. 196, 41 Stat. 620)

For this section prior to the amendment by Act May 25, 1920, c 196, see U S Comp St 1918, § 10387.

§ 10387ee. Act March 3, 1917, c. 162, § 5, as amended, extended to District of Columbia—The provisions of section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, relating to intoxicating liquors in interstate commerce, as amended by section 1110 of an Act entitled "An Act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, be, and the same are hereby, made applicable to the District [of] or Columbia. (Feb 24, 1919, c. 18, § 1407, 40 Stat. 1151.)

This section is § 1407 of the Revenue Act of 1918 (Title XIV—General Provisions), cited above

For Act March 3, 1917, c 162, § 5, as amended by § 1110 of the Revenue Act of 1917, see U S Comp. St 1918, §§ 8739a, 10387a-10387c, 10387e

§ 10390a. Printing and publishing of illustrations in black and white of foreign postage or revenue stamps from defaced plates and illustrations in black and white of portions of United States stamps allowed—Nothing in sections 161, 172, and 220 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Thirty-fifth Statutes at Large, at pages 1118, 1121, and 1132), shall be construed to forbid or prevent the printing or publishing of illustrations in black and white of foreign postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums. Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated. (March 3, 1923, c. 218, 42 Stat. 1437.)

This section is an act entitled "An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates," cited above. For sections 161, 172, and 200 of the Criminal Code, referred to in this section, see U. S. Comp. St. 1918, §§ 10331, 10342, and 10390.

§ 10401d. [Repealed]

This section was added to Act June 15, 1917, c 30, title XII (as § 4) by Act May 16, 1918, c 75, § 2, 40 Stat 554 Said Act May 16, 1918, c 75 § 2, was repealed by Res March 3, 1921, c. 136, ante, § 3115¼15f.

Chapter Nine—Offenses Against Foreign and Interstate Commerce

§ 10402. (Crim. Code, § 232, amended.) Carrying explosives; on vessels or vehicles with passengers for hire; explosives permitted; restrictions; military transportation—It shall be unlawful to transport, carry, or convey, within the limits of the jurisdiction of the United States any high explosive, such as, and including, dynamite, blasting caps, detonating fuzes, black powder, gunpowder, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce, which vessel, car, or vehicle is carrying passengers for hire Provided, That it shall be lawful to transport on any such vessel, car, or vehicle smokeless powder, primers, fuses, not including detonating fuzes, fireworks, or other similar explosives, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel, car, or vehicle; but such explosives shall not be carried in that part of a vessel, car, or vehicle which is being used for the transportation of passengers for hire. Provided further, That it shall be lawful to transport on any such vessel, car, or vehicle small arms ammunition in any quantity, and such fusees, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation: And provided further, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels, cars, or vehicles.

The words "detonating fuzes," as used in this section shall be interpreted to mean fuzes used in naval or military service to detonate the high explosive bursting charges of projectiles, mines, bombs, or torpedoes. The word "fuses" as used herein shall be interpreted to mean devices used in igniting the bursting charges of projectiles. The word "primers" as used herein shall be interpreted to mean devices used in igniting the propelling powder charges of ammunition. The word "fuses" as used herein shall be interpreted to mean the slow-burning fuses used commercially and intended to convey fire to an explosive combustible mass slowly or without danger to the person lighting. The word "fusees" as used herein shall be interpreted to mean the fusees ordinarily used on steamboats and railroads as night signals (R. S. § 5353. May 30, 1908, c. 234, § 1, 35 Stat 554. March 4, 1909, c. 321, § 232, 35 Stat. 1134. Amended, March 4, 1921, c. 172, 41 Stat. 1444.)

For this section prior to the amendment by Act March 4, 1921, c 172, see U. S Comp. St. 1918, § 10402

§ 10403. (Crim. Code, § 233, amended.) Same; regulations for transporting made by Interstate Commerce Commission; effect—The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land or water, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall, unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified In the execution of the provisions of this Act the Interstate Commerce Commission may utilize the services of the bureau for the safe transportation of explosives and other dangerous articles, and may avail itself of the advice and assistance of any department, commission, or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law (May 30, 1908, c 234, § 2, 35 Stat 555 March 4, 1909, c 321, § 233, 35 Stat. 1135 Amended, March 4, 1921, c 172, 41 Stat. 1445)

For this section prior to the amendment by Act March 4, 1921, c 172, see U S Comp St 1918, § 10403

§ 10404. (Crim. Code, § 234, amended.) Same; high explosives excluded—It shall be unlawful to transport, carry, or convey within the limits of the jurisdiction of the United States, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, on any vessel, car, or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce (May 30, 1908, c. 234, § 3, 35 Stat 555. March 4, 1909, c. 321, § 234, 35 Stat. 1135. Amended, March 4, 1921, c. 172, 41 Stat. 1445)

For this section prior to the amendment by Act March 4, 1921, c 172, see U. S Comp St 1918, § 10404.

§ 10405. (Crim. Code, § 235, amended.) Same; marking packages—Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, or to carry upon any vessel, car, or vehicle operated by any common carrier engaged in interstate or foreign commerce by land or water any explosive, or other dangerous article, as specified in section 233 of this Act, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier in writing of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than $2,000 or imprisoned not more than eighteen months, or both. (R. S. § 5355. May 30, 1908, c. 234, §§ 4, 5, 35 Stat. 555 March 4, 1909, c. 321, § 235, 35 Stat. 1135. Amended, March 4, 1921, c. 172, 41 Stat. 1445.)

For this section prior to the amendment by Act March 4, 1921, c. 172, see U. S. Comp St. 1918, § 10405.

§ 10406. (Crim. Code, § 236, amended.) Same; causing death or injury by illegal transportation—When the death or bodily injury of any person results from the violation of any of the four sections last preceding, or any regulation made by the

Interstate Commerce Commission in pursuance thereof, the person or persons who shall have so knowingly violated, or cause to be violated, such provision or regulation, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. (R. S. § 5354 March 4, 1909, c 321, § 236, 35 Stat 1136 Amended, March 4, 1921, c 172, 41 Stat 1445)

For this section prior to the amendment by Act March 4, 1921, c 172, see U S Comp St 1918, § 10406

§ 10415. (Crim. Code, § 245, amended.) Importing and transporting obscene books—Whoever shall bring or cause to be brought into the United States, or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States, through a foreign country, to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore mentioned articles, matters, or things may be obtained or made, or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than $5,000 or imprisoned not more than five years, or both (Feb 8, 1897, c. 172, 29 Stat 512, amended, Feb. 8, 1905, c. 550, 33 Stat 705 March 4, 1909, c. 321, § 245, 35 Stat 1138. Amended, June 5, 1920, c. 268, 41 Stat. 1060.)

For this section prior to the amendment by Act June 5, 1920, c 268, see U S Comp St. 1918, § 10415
See, also, § 5841c-5.

§ 10418b. Motor vehicles; citation of act—This Act may be cited as the National Motor Vehicle Theft Act. (Oct. 29, 1919, c. 89, § 1, 41 Stat 324)

This section, and the four sections next following, are an act entitled "An Act to punish the transportation of stolen motor vehicles in interstate and foreign commerce," cited above.

§ 10418c. Same; definitions—When used in this Act:

(a) The term "motor vehicle" shall include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails;

(b) The term "interstate or foreign commerce" as used in this Act shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. (Oct. 29, 1919, c. 89, § 2, 41 Stat. 324)

See ante, § 10418b, and note thereunder.

§ 10418d. Same; transportation of stolen motor vehicles; punishment—Whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both. (Oct 29, 1919, c. 89, § 3, 41 Stat. 325.)

See ante, § 10418b, and note thereunder

§ 10418e. Same; receiving, concealing, storing, selling or disposing of stolen motor vehicles; punishment—Whoever shall receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both (Oct 29, 1919, c 89, § 4, 41 Stat. 325)

See ante, § 10418b, and note thereunder

§ 10418f. Same; venue of offense—Any person violating this Act may be punished in any district in or through which such motor vehicle has been transported or removed by such offender (Oct. 29, 1919, c. 89, § 5, 41 Stat. 325)

See ante, § 10418b, and note thereunder.

TITLE LXX—CRIMES

Chapter Nine—Prisoners and Their Treatment

§ 10557.

The Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, Act Feb 27, 1925, c 304, title II, 43 Stat 1031, contains the following.

"Penal Institutions, Leavenworth, Kansas, Penitentiary. * * For clothing, transportation, and traveling expenses, including materials for making clothing at the penitentiary, gratuities for prisoners at release, provided such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and transportation to place of conviction or place of bona fide residence in the United States, or to such other place within the United States as may be authorized by the Attorney General; expenses of shipping remains of deceased prisoners to their homes in the United States; expenses of penitentiary officials while traveling on official duty, expenses incurred in pursuing and identifying escaped prisoners, and for rewards for their recapture, $112,000" * *

Said act also makes similar appropriations for the Penitentiaries at Atlanta, Ga, and at McNeil Island, Wash

§ 10561a. Transfer of portion of Fort Leavenworth Military Reservation to Department of Justice for farm purposes—The Secretary of War is hereby authorized and directed to transfer to the jurisdiction of the Department of Justice for use as a farm in connection with the United States penitentiary, Leavenworth, Kansas, all of that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and including the bridge across the Missouri River And $50,000 of the appropriation for roads, walks, wharves, and drainage contained in the War Department Appropriation Act for the fiscal year 1924, which was appropriated for the repair of said bridge, shall be transferred to the Department of Justice for use in making necessary repairs to said bridge and the approaches thereto.

There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the additional amount of $50,000, or so much thereof as may be necessary, to make the repairs on said bridge Said repairs shall be made with all reasonable diligence and said moneys shall be available until expended. (May 31, 1924, c. 221, 43 Stat. 248)

This section is an act entitled "An act authorizing and directing the Secretary of War to transfer to the jurisdiction of the Department of Justice all that portion of the Fort Leavenworth Military Reservation which lies in the State of Missouri, and for other purposes," cited above.

§ 10562a. United States Penitentiary at Fort Leavenworth, Kan.; exchange of live stock—Leavenworth, Kansas, Penitentiary: Live stock may be exchange or traded when authorized by the Attorney General ' (March 4, 1921, c 161, § 1, 41 Stat 1414 Jan 3, 1923, c 21, title II, 42 Stat. 1085 May 28, 1924, c. 204, title II, 43 Stat 222 Feb 27, 1925, c 364, title II, 43 Stat. 1031)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926 cited above The same provision is contained in prior acts

§ 10562b. Factories at United States penitentiary at Leavenworth; establishment and operation; employment of inmates—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Leavenworth, Kansas, a factory or factories for the manufacture of shoes, brooms, and brushes to supply the requirements of the various departments of the United States Government The factory or factories shall not be so operated as to abolish any existing Government workshop, and the articles so manufactured shall be sold only to the Government of the United States.

The Attorney General is hereby further authorized to employ the inmates of the institution herein mentioned, under such regulations as he may prescribe, in the work or business of manufacturing shoes, brooms, and brushes, and in erecting all buildings necessary to conduct said businesses, and the products of such businesses shall be utilized in said penitentiary or sold to the Government of the United States for the use of the military and naval forces and other Government departments (Feb. 11, 1924, c. 17, § 1, 43 Stat 6)

This section, and the 8 sections next following, are §§ 1-9 of an act entitled "An act to equip the United States penitentiary, Leavenworth, Kansas, for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes," cited above. Section 10 of this act repeals all inconsistent laws and parts of laws

§ 10562c. Same; sale of manufactured articles; disposition of proceeds—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by this Act. (Feb. 11, 1924, c. 17, § 2, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562d. Same; payment of inmates for labor—The Attorney General is hereby authorized and empowered to provide for the payment of the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital fund. (Feb. 11, 1924, c. 17, § 3, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562e. Same; appropriation for erection, etc., of factories—There is hereby authorized to be appropriated the sum of $200,000, to be used for the erection of a factory or factories, and such other buildings as may be necessary, and for the purchase of suitable equipment and machinery to carry out the purposes of this Act. (Feb. 11, 1924, c. 17, § 4, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562f. Same; working capital fund—There is to be created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprises authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $250,000, which sum is authorized to be appropriated The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working capital fund and be available for appropriation by Congress annually (Feb 11, 1924, c. 17, § 5, 43 Stat. 7)

See note to § 10562b, ante The "First Deficiency Act, fiscal year 1924," Act April 2, 1924, c 81, § 1, 43 Stat 45, contains the following provision

"For working capital, as authorized by the Act of February 11, 1924, $250 000 Provided, That the said working capital fund and the receipts credited thereto may be used as a revolving fund during the fiscal years 1924 and 1925"

§ 10562g. Same; report to Congress of receipts, expenditures, etc—At the opening of each regular session of Congress the Attorney General shall make a detailed report to Congress of the receipts and expenditures made hereunder, the quantity of material of different kinds bought or otherwise acquired and used, the number of persons employed, the hours of labor and the wages paid, the amount and kind of goods manufactured and the prices paid therefor, the amount used in said penitentiary, the amount sold, the prices, and total amount received therefor. (Feb 11, 1924, c. 17, § 6, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562h. Same; disbursements from working capital fund—Said working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this Act. (Feb 11, 1924, c. 17, § 7, 43 Stat. 7)

See note to § 10562b, ante

§ 10562i. Same; disposition of products of industries—The products of said industries shall not be disposed of except as provided in this Act. (Feb. 11, 1924, c. 17, § 8, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562j. Same; government departments to purchase products—It is hereby made obligatory upon the various departments of the Government to purchase the products of the business herein authorized to be carried on in the penitentiary at Leavenworth, Kansas, until the supply therein produced is exhausted before purchasing elsewhere. (Feb. 11, 1924, c. 17, § 9, 43 Stat. 7.)

See note to § 10562b, ante.

§ 10562k. Public use of bridge across Missouri river connecting reservation with land in Platte county—Leavenworth, Kansas: For repairs to the Government-owned bridge, including the approaches thereto, across the Missouri River at Fort Leavenworth, Kansas, connecting the Military Reservation with land heretofore belonging to the Fort Leavenworth Military Reservation in Platte County, Missouri, which land and bridge have been transferred to the jurisdiction of the Department of Justice, $49,115, which amount, together with $50,000 of the appropriation for roads, walks, wharves and drainage, fiscal year 1924, transferred from the War Department to the Department of Justice by the Act of May 31, 1923, shall remain available until June 30, 1925: Provided, That said bridge shall be open to use by the public under such rules and regulations as prescribed by the Attorney General. (Dec. 5, 1924, c. 4, § 1, 43 Stat. 687.)

From the Second Deficiency Act, Fiscal Year 1924, cited above.

§ 10563a. Cotton factories at United States Penitentiary, Atlanta, Ga.; establishment—The Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States Penitentiary, Atlanta, Georgia, a factory or factories for the manufacture of cotton fabrics to supply the requirements of the War and Navy Departments, the Shipping Corporation, cotton duck suitable for tents and other army purposes and canvas for mail sacks and for the manufacture of mail sacks and other similar mail-carrying equipment for the use of the United States Government. The factory or factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop, and the articles so manufactured shall be sold only to the Government of the United States. (July 10, 1918, c. 144, § 1, 40 Stat. 896)

This section, and the nine sections next following, are an act entitled "An act to equip the United States Penitentiary, Atlanta, Georgia, for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes," cited above.

§ 10563b. Same; purchase or condemnation of sites; employment of inmates—The Attorney General is hereby further authorized and directed to acquire by purchase or condemnation proceedings such tracts of land at such points as he may determine, at a total cost of not to exceed $200,000, which may be cleared, graded, and cultivated. And the Attorney General is authorized to employ the inmates of the institution herein mentioned under such regulations as he may prescribe in the work of clearing, grading, and cultivation of such acquired tracts of land. The products of any such agricultural development, including live stock, shall be utilized in said penitentiary or be sold to the Government of the United States for the use of the military and naval forces of the United States (July 10, 1918, c. 144, § 1, 40 Stat. 896.)

See note to § 10563a.

§ 10563c. Same; sale of articles manufactured—Articles so manufactured shall be sold at the current market prices as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the working capital fund created by this Act. (July 10, 1918, c. 144, § 2, 40 Stat. 896.)

See note to § 10563a.

§ 10563d. Same; payment of inmates for work—The Attorney General is hereby authorized and empowered to provide for the payment to the inmates or dependents upon inmates of said penitentiary such pecuniary earnings as he may deem proper, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital fund. (July 10, 1918, c. 144, § 3, 40 Stat. 897.)

See note to § 10563a.

§ 10563e. Same; appropriation—There is authorized to be appropriated the sum of $650,000 for the purchase of machinery and other equipment to carry out the purposes of this Act. (July 10, 1918, c. 144, § 4, 40 Stat. 897)

See note to § 10563a.

§ 10563f. Same; working capital fund—There is created a fund, to be known as the working capital, which shall be available for the carrying on the industrial enterprise authorized herein or which may be authorized hereafter by law to be carried on in said penitentiary. The working capital shall consist of the sum of $150,000, which sum is authorized to be appropriated. The receipts from the sale of the products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the working capital fund and be available for appropriation by Congress, annually, for the purposes set forth in this Act. (July 10, 1918, c. 144, § 5, 40 Stat 897)

See note to § 10563a.

§ 10563g. Same; reports of receipts and expenditures—At the opening of each regular session of Congress the Attorney General shall make a detailed report to Congress of the receipts and expenditures made hereunder, the quantity of material of different kinds bought or otherwise acquired and used, the number of persons employed, the hours of labor and the wages paid, the amount and kind of goods manufactured, and the prices paid therefor; also the agricultural products grown or produced on land owned or cultivated by or under the direction of the Attorney General or by the authorities of said penitentiary, the amount used therein, the amount sold, the prices, and total amount received therefor. (July 10, 1918, c. 144, § 6, 40 Stat 897.)

See note to § 10563a

§ 10563h. Same; disbursement of working capital fund—Said working capital shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this Act. (July 10, 1918, c. 144, § 7, 40 Stat 897)

See note to § 10563a.

§ 10563i. Same; disposition of products—The products of said industries shall not be disposed of except as provided in this Act. (July 10, 1918, c. 144, § 8, 40 Stat. 897.)

See note to § 10563a.

§ 10563j. Same; repeal—All laws and parts of laws to the extent that they are in conflict with this Act are repealed. (July 10, 1918, c. 144, § 9, 40 Stat. 897.)

See note to § 10563a.

§ 10564a. Assistant superintendent of prisons—Inspection of prisons and prisoners: For the inspection of United States prisons and prisoners, including salary of the assistant superintendent of prisons * *. (June 1, 1922, c. 204, title II, 42 Stat 620. Jan. 3, 1923, c. 21, title II, 42 Stat 1087. May 28, 1924, c. 204, title II, 43 Stat. 224. Feb. 27, 1925, c. 364, title II, 43 Stat. 1033)

From the Departments of State and Justice, Judiciary, and Departments of Commerce and Labor appropriation act for the year 1926, cited above. Similar provisions are contained in prior acts.

§ 10564b. Salaries of captains of the watch in United States penitentiaries—From and including October 1, 1919, the salaries of the captains of the watch in the United States penitentiaries shall be at the rate of $1,500 per annum and the salaries of guards as follows:

For the first year of service, $70 per month
For the second year of service, $80 per month.
For the third year of service, $90 per month.
For the fourth and subsequent years of service, $100 per month. (Nov. 4, 1919, c. 93, § 1, 41 Stat. 338.)

From the deficiency appropriation act for the year 1920, cited above

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN

§ 10564½. Selection of site; women to be confined in—The Attorney General, the Secretary of the Interior, and the Secretary of Labor, be, and are hereby authorized and directed to select a site either in

connection with some existing institution or elsewhere, for an industrial institution for the confinement of female persons above the age of eighteen years, convicted of an offense against the United States, including women convicted by consular courts, sentenced to imprisonment for more than one year (June 7, 1924, c 287, § 1, 43 Stat 473)

This section, and the eight sections next following, are an act entitled "An act for the establishment of a Federal Industrial Institution for women, and for other purposes," cited above Section 10 of said act repeals all inconsistent acts or parts of acts

§ 10564½a. Estimate of cost; annual estimates of expense of maintenance—Upon the selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing same, together with estimates of the expense necessary to construct the proper buildings thereon. The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the industrial institution for women, including salaries of all officers and employees. (June 7, 1924, c. 287, § 2, 43 Stat. 473)

See note to § 10564½, ante

§ 10564½b. Plans, specifications, etc., for buildings—The Secretary of the Treasury is hereby authorized, on request of the Attorney General, to cause plans, drawings, designs, specifications, and estimates for the remodeling of the present buildings and the construction of additional buildings, and such appurtenances as may be necessary on said reservation to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and construction of such buildings and appurtenances to be supervised by the field force of that office: Provided, That the proper appropriations for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings and appurtenances. (June 7, 1924, c. 287, § 3, 43 Stat. 474.)

See note to § 10564½, ante.

§ 10564½c. Control, management, officers, and employees of institution—The control and management of such industrial institution shall be vested in the Attorney General of the United States, who also shall have power to appoint a superintendent, assistant superintendent, and all other officers and employees necessary for the safe-keeping, care, protection, instruction, and discipline of said inmates. (June 7, 1924, c. 287, § 4, 43 Stat. 474.)

See note to § 10564½, ante.

§ 10564½d. Instruction and training of inmates—It shall be the duty of the Attorney General to provide for the instruction of the inmates in such institution in the common branches of an English education, and for their training in such trade, industry, or occupational pursuit as will best enable said inmates on release to obtain self-supporting employment. (June 7, 1924, c. 287, § 5, 43 Stat. 474.)

See note to § 10564½, ante.

§ 10564½e. Transfer of women to institution—The Attorney General is hereby authorized, in his discretion, to transfer to such institution, as accommodations thereat become available, all persons eligible under the terms of this Act for incarceration in said industrial institution, who are now, or shall hereafter be, incarcerated in other prisons, penitentiaries, reformatories, or houses of correction, and who are proper subjects for incarceration in said institution, and to transfer from such industrial institution to a suitable State or Territorial prison, penitentiary, or reformatory, any inmate who is found by him to be incorrigible, or whose presence in said industrial institution is found detrimental to its well-being Such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located. The actual and necessary expense incurred in such transfer shall be paid from the judicial funds (June 7, 1924, c. 287, § 6, 43 Stat 474.)

See note to § 10564½, ante

§ 10564½f. Board of advisors; how constituted; duties—Four citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of three, four, five, and six years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the Superintendent of Prisons of the Department of Justice, and the Superintendent of the United States Industrial Institution for Women, a board of advisors of said industrial institution It shall be the duty of said board to recommend ways and means for the discipline and training of such inmates, that on their discharge from such institution they may secure suitable employment. (June 7, 1924, c. 287, § 7, 43 Stat. 474)

See note to § 10564½, ante

§ 10564½g. Parole of inmates—The inmates of such industrial institution shall be eligible to parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the Act of Congress approved June 25, 1910, being an Act to provide for the parole of United States prisoners and for other purposes. Such inmates shall be entitled to commutation allowance for good conduct in accordance with the provisions of the Act of Congress approved June 21, 1902, and entitled "An Act to regulate commutation for good conduct for United States prisoners," and the Acts amendatory thereof and supplemental thereto. (June 7, 1924, c. 287, § 8, 43 Stat. 475.)

See note to § 10564½, ante.

§ 10564½h. Transportation, etc., for inmates upon discharge—Every inmate, when discharged from such industrial institution, shall be furnished with transportation to the place of conviction or place of bona fide residence, or to such other place in the United States as may be authorized by the Attorney General, and shall be furnished with suitable clothing and $20 in money. (June 7, 1924, c. 287, § 9, 43 Stat. 475)

See note to § 10564½, ante.

UNITED STATES INDUSTRIAL REFORMATORY

§ 10564¾. Selection of site; persons to be confined in; sentence need not specify place of confinement—That the Attorney General, the Secretary of War, and the Secretary of the Interior be, and are hereby, authorized and directed to select a site for an industrial reformatory which shall be used for the confinement of male persons between the ages of seventeen and thirty years, who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punish-

able by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment: Provided, That it shall be sufficient for the courts to sentence said class of offenders to imprisonment in the penitentiary without specifying the particular penitentiary or the United States Industrial Reformatory and the imprisonment shall be in such penitentiary or the United States Industrial Reformatory as the Attorney General shall from time to time designate. (Jan 7, 1925, c 32, § 1, 43 Stat 724)

This section, and the nine sections next following, are §§ 1-10 of an act entitled "An act for the establishment of a United States Industrial Reformatory," cited above Section 11 of said act repeals all inconsistent acts and parts of acts

§ 10564¾a. Estimate of cost; prison labor employed in construction; annual estimates of expense of maintenance—Upon the selection of an appropriate site the Attorney General shall submit to Congress estimate of the cost of purchasing the same, together with estimates of the expense necessary to construct the proper buildings thereon. For the purpose of construction of such buildings the Attorney General shall employ the labor of such United States prisoners confined in the United States penitentiary, Atlanta, Georgia, the United States penitentiary, Leavenworth, Kansas, the United States penitentiary, McNeil Island, Washington, and State or Territorial prisons, penitentiaries, or reformatories, who are eligible for confinement in said United States Industrial Reformatory under the provisions of this Act, and who can be used, under proper guard, in the work necessary to construct the buildings The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said industrial reformatory, including salaries of all necessary officers and employees. (Jan. 7, 1925, c 32, § 2, 43 Stat. 724.)

See note to § 10564¾, ante.

§ 10564¾b. Plans, specifications, etc., for buildings—The Secretary of the Treasury is hereby authorized, upon the request of the Attorney General, to cause the plans, drawings, designs, specifications, and estimates for the remodeling and construction of the necessary buildings to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: Provided, That the proper appropriations for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings. (Jan. 7, 1925, c. 32, § 3, 43 Stat 724.)

See note to § 10564¾, ante.

§ 10564¾c. Control, management, officers, and employees of institution—The Control and management of the United States Industrial Reformatory shall be vested in the Attorney General, who shall have power to appoint a superintendent, assistant superintendent, and all other officers necessary for the safe-keeping, care, protection, instruction, and discipline of the inmates. (Jan. 7, 1925, c. 32, § 4, 43 Stat. 724)

See note to § 10564¾, ante.

§ 10564¾d. Discipline; instruction and training of inmates—The discipline to be observed in said United States Industrial Reformatory shall be correctional and designed to prevent young offenders from becoming habitual criminals. It shall be the duty of the Attorney General to provide for the instruction of the inmates in the common branches of an English education, and for their training in such trade, industry, or skilled vocation as will enable said inmates, upon release, to obtain self-supporting employment and to become self-reliant members of society For this purpose the Attorney General shall establish and maintain a common school and trade schools in said industrial reformatory, and shall have authority to promulgate all such rules and regulations for the government of the officers of said industrial reformatory and the inmates thereof as he may deem proper and necessary. (Jan 7, 1925, c. 32, § 5, 43 Stat. 724)

See note to § 10564¾, ante.

§ 10564¾e. Employment of inmates—The inmates of the United States industrial reformatory shall be employed only in the production and manufacture of supplies for the United States Government, for consumption in United States institutions, and in duties necessary for the construction and maintenance of the institution. (Jan 7, 1925, c. 32, § 6, 43 Stat. 725)

See note to § 10564¾, ante

§ 10564¾f. Transfer of persons to or from institution—The Attorney General is hereby authorized, in his discretion, to transfer to the United States industrial reformatory, as accommodations become available, all persons eligible under the terms of this Act for confinement in said industrial reformatory who are now, or shall hereafter be, confined in the United States Penitentiary, Atlanta, Georgia, the United States Penitentiary, Leavenworth, Kansas; the United States Penitentiary, McNeil Island, Washington, and State and Territorial prisons, penitentiaries, or reformatories, and who are proper subjects for confinement in said United States industrial reformatory: Provided, That the Attorney General shall not transfer any prisoner who has less than nine months to serve of the term for which he was sentenced. The Attorney General is hereby authorized, in his discretion, at any time to transfer from the United States industrial reformatory to any of the aforesaid United States penitentiaries, or a suitable State or Territorial penitentiary or reformatory, any person who is ineligible for confinement therein under the terms of this Act, or any person who is apparently incorrigible, and whose presence in the said United States industrial reformatory is detrimental to the well-being of the Institution. Such transfer shall, in the case of the United States penitentiaries and industrial reformatory, be made by the warden or superintendent of the institution from which the transfer is to be made, and in the case of State and Territorial penitentiaries, or reformatories, such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located The actual and necessary expenses of such warden, superintendent, or marshal in making such transfer shall be paid, in the case of transfer from the United States penitentiaries and industrial reformatory, from the appropriation for the maintenance of the particular institution, and, in the case of transfer from State and Territorial penitentiaries, or reformatories, out of the judicial funds. (Jan. 7, 1925, c 32, § 7, 43 Stat. 725.)

See note to § 10564¾, ante.

§ 10564¾g. Board of advisers—Two citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of two and four years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be ap-

pointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the superintendent of prisons of the Department of Justice, and the superintendent of the United States industrial reformatory, who shall serve without additional compensation, a board of advisers of said reformatory. It shall be the duty of said board to devise ways and means looking to the reestablishment in society of the inmates discharged therefrom, whether by pardon, commutation, parole, or expiration of sentence, particularly with a view of securing suitable and remunerative employment for said discharged inmates: Provided, That the expenses of said board shall be paid out of the appropriation for the maintenance of the reformatory. (Jan 7, 1925, c 32, § 8, 43 Stat. 725)

See note to § 10564¼, ante

§ 10564¾h. Parole of inmates; commutation allowances—The inmates of the United States Industrial Reformatory shall be eligible for parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the Act of Congress approved June 25, 1910, being an Act to provide for the parole of United States prisoners and for other purposes, which provisions are hereby made to apply to all inmates of said reformatory. Such inmates shall be entitled to commutation allowance for good conduct in accordance with the provisions of the Act of Congress approved June 21, 1902, and entitled "An Act to regulate commutation for good conduct for United States prisoners," and the Acts amendatory thereof and supplemental thereto. (Jan. 7, 1925, c. 32, § 9, 43 Stat. 726.)

See note to § 10564¼, ante

§ 10564¾i. Transportation, etc., for discharged inmates—Every prisoner, when discharged from the United States Industrial Reformatory, shall be furnished with transportation to place of conviction, or place of bona fide residence, or to such other place within the United States as may be authorized by the Attorney General, and he shall also be furnished with suitable clothing and $10 in money. (Jan. 7, 1925, c. 32, § 10, 43 Stat. 726.)

See note to § 10564¼, ante.

PROBATION SYSTEM

§ 10564½. Suspension of imposition or execution of sentences and placing of defendant upon probation; power of courts; revocation or modification of probation; duties of probationer—The courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby, shall have power, after conviction or after a plea of guilty or nolo contendere for any crime or offense not punishable by death or life imprisonment, to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they may deem best; or the court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The court may revoke or modify any condition of probation, or may change the period of probation: Provided, That the period of probation, together with any extension thereof, shall not exceed five years.

While on probation the defendant may be required to pay in one or several sums a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offense for which conviction was had, and may also be required to provide for the support of any person or persons for whose support he is legally responsible (March 4, 1925, c 521, § 1, 43 Stat. 1259)

This section, and the three sections next following, are an act entitled "An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia," cited above Section 5 of said act provides that the act shall take effect immediately

§ 10564½a. Same; powers of probation officers; arrest of probationer—When directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer while on probation. The court may thereupon discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable

At any time within the probation period the probation officer may arrest the probationer without a warrant, or the court may issue a warrant for his arrest Thereupon such probationer shall forthwith be taken before the court. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court may issue a warrant and cause the defendant to be arrested and brought before the court. Thereupon the court may revoke the probation or the suspension of sentence, and may impose any sentence which might originally have been imposed. (March 4, 1925, c 521, § 2, 43 Stat 1260.)

See note to § 10564½, ante

§ 10564½b. Same; probation officers; appointment, etc.—The judge of any United States court having original jurisdiction of criminal actions, except in the District of Columbia, may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the discretion of the judge making such appointment or of his successor. All such probation officers shall serve without compensation except that in case it shall appear to any such judge that the needs of the service require that there should be a salaried probation officer, such judge may appoint one such officer and shall fix the salary of such officer subject to the approval of the Attorney General in each case: Provided, That probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil service of the United States. Such judge may in his discretion remove any probation officer serving in his court. The appointment of probation officers shall be in writing and shall be entered on the records of the court of the judge making such appointment, and a copy of the order of appointment shall be delivered to the officer so appointed. Such court may allow any probation officer his actual expenses necessarily incurred in the performance of his duties. Such salary and expenses when duly approved shall be paid from the appropriations for courts in which such officer serves. (March 4, 1925, c. 521, § 3, 43 Stat. 1260)

See note to § 10564½, ante.

§ 10564½c. Same; duties of probation officers—It shall be the duty of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and to report thereon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision and shall report thereon to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the

conditions imposed by the court, to aid persons on probation and to bring about improvements in their conduct and condition. Each officer shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision, shall give receipts therefor, and shall make at least monthly returns thereof, shall make such reports to the Attorney General as he may at any time require; and shall perform such other duties as the court may direct A probation officer shall have the power of arrest that is now exercised by a deputy marshal. (March 4, 1925, c. 521, § 4, 43 Stat. 1260.)

See note to § 10564½, ante.

TITLE LXXIII—THE SMITHSONIAN INSTITUTION

§ 10575.

Res Feb 28, 1922, c 86, 42 Stat. 399, authorizes the Secretary of State to transfer to the custody of the Secretary of the Institution for safekeeping and exhibition in the National Museum the sword of George Washington and the staff of Benjamin Franklin, presented by Samuel T. Washington, and the sword of Andrew Jackson, presented by the family of General Robert Armstrong.

§ 10588.

Certain parcels of land were added to the National Zoological Park by Act June 5, 1920, c 235, § 1, 41 Stat 892, and by Act March 4, 1921, c. 161, § 1, 41 Stat 1384.

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3164.	Amended	5884	
3165.	Amended	5885	
3167.	Amended	5887	
3172.	Amended	5895	
3173.	Amended	5896	
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3228	Amended	5951	
3255	Amended	5990	
3264.	Amended	6002	
3315.	Amended	6097	
3354	Amended	6161	
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3928.	Amended	7410	
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4017.	Superseded in part		594
4044	Amended	7576	
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4404.	Amended	8157	
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4472.	Amended	8242	
4530.	Amended	8322	
4673.	Amended	8447	
4826	Amended	9239	
4878.	Amended	9373	
4883.	Amended	9427	
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4906.	Amended	9151	
4921.	Amended	9167	
4934.	Amended	9132	
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5146.	Amended	9684	
5147	Amended	9685	
5172	Amended	9714	
5182.	Amended	9721	
5200	Amended	9761	
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1876					
Apr 13	56	—	19	32	1708
June 26	147	—	19	61	1058
1877					
Feb 27	69	1	19	244	5106
Feb 27	69	1	19	244	5107
Feb 27	69	1	19	248	5949
Feb 27	69	1	19	248	6169
Feb 27	69	1	19	252	9774
Feb 27	69	1	19	252	8212
Mch 3	107	8	—	—	4680
1879					
Mch. 1	125	2	20	329	5885
Mch. 1	125	3	20	330	5896
Mch 1	125	3	20	331	5899
Mch. 1	125	3	20	331	5908
Mch. 1	125	5	20	334	6002
Mch. 1	125	5	20	338	6097
Mch. 1	125	14	20	345	6168
Mch. 1	125	14	20	345	6169
Mch. 1	125	16	20	347	6202
1880					
Jan. 22	9	2	21	61	4620
1882					
Aug. 5	389	1	22	254	1202
1883					
Jan 9	16	—	22	401	6169
Jan. 16	27	11	22	406	10288
Mch. 3	123	3	22	527	7558
1884					
June 26	121	10	23	55	8323
July 5	225	1	23	122	1711
1885					
Mch. 3	335	1	23	350	6403
Mch. 3	335	2	—	—	6403(1)
Mch. 3	335	3	—	—	6403(2)
Mch. 3	335	4	—	—	6403(3)
Mch 3	335	5	—	—	6403(4)
Mch. 3	335	6	—	—	6403(5)
1886					
June 19	421	3[10]	24	80	8323
Aug 2	840	6	24	210	6218
1887					
Jan. 3	12	—	24	354	8168
Feb. 4	104	1	24	379	8563
Feb. 4	104	2	24	379	8564
Feb. 4	104	3	24	380	8565
Feb. 4	104	4	24	380	8566
Feb 4	104	5	24	380	8567
Feb 4	104	6	24	380	8569
Feb. 4	104	10	24	382	8574
Feb. 4	104	12	24	383	8576
Feb. 4	104	13	24	383	8581
Feb. 4	104	14	24	384	8582
Feb 4	104	15	24	384	8583
Feb 4	104	15a	—	—	8583a
Feb 4	104	16	24	384	8584
Feb 4	104	17	24	385	8586
Feb 4	104	18	24	386	8587
Feb 4	104	19a	—	—	8591
Feb. 4	104	20	24	386	8592
Feb 4	104	20	24	386	8601a
Feb. 4	104	20	24	386	8601aa
Feb 4	104	20a	—	—	8592a
Feb 4	104	22	24	387	8595
Feb 4	104	24	—	—	8596
Feb. 4	104	25	—	—	8596a
Feb. 4	104	26	—	—	8596b
Feb. 4	104	27	—	—	8596c
Mch 3	373	1	24	552	1033
Mch. 3	397	26	24	641	3489a
1888					
Feb. 18	15	—	25	40	9427
Aug. 1	729	2	25	357	1607
Aug. 13	866	1	25	433	1033
Aug. 27	911	1	25	450	9288
1889					
Feb 12	135	—	25	661	1203
Feb 12	135	—	25	661	1205
Mch. 2	382	1[6]	25	855	8569
Mch 2	382	2[10]	25	857	8574
Mch 2	382	3[12]	25	858	8576
Mch 2	382	4[14]	25	859	8582
Mch 2	382	5[16]	25	859	8584
Mch. 2	382	6[17]	25	861	8586
Mch. 2	382	7[18]	25	861	8587
Mch. 2	382	9[23]	25	862	8595
1890					
May 26	355	—	26	121	4546
June 18	431	—	26	161	6161
July 10	664	16	26	225	1106
July 10	664	17	26	225	1106
July 10	664	18	26	225	1106
July 26	731	—	26	292	8168
Aug. 18	797	2	26	330	3085a
Oct 1	1244	32	26	619	6202
Oct. 1	1244	42	26	621	6111
Oct. 1	1244	43	26	621	6112
Oct. 1	1244	45	26	622	6114
1891					
Feb. 10	128	[12]	26	743	8576
Mch. 3	517	5	26	827	1215
Mch. 3	517	6	26	828	1120
Mch. 3	517	6	26	828	1216
Mch. 3	517	6	26	828	1217
Mch 3	517	7	26	828	1121
Mch. 3	559	[8]	26	1093	4992
Mch. 3	561	2[8]	26	1096	4680
Mch 3	561	8	26	1099	4992
1892					
July 20	209	1	27	252	1626

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Mch 3	208	—	27	593	4877a
1894					
Jan. 27	21	2[3]	28	31	7558
Jan 27	21	8	28	32	7576
July 31	174	2	28	205	3331
Aug 18	300	[2]	28	372	9157
Aug 27	349	25	28	552	6536
Aug 27	349	34	28	558	5895
Aug 27	349	34	28	558	5896
Aug 27	349	34	28	559	5887
Aug 27	349	34	28	559	5899
Aug 27	349	68[43]	28	568	6112
1895					
Jan. 12	23	3	28	601	6957
Jan. 12	23	72	28	612	7051
Jan. 12	23	73	28	619	7093
Jan. 12	23	91	28	623	7169a
Feb 8	61	[22]	28	643	8595
Feb. 18	96	—	28	666	1121
Mch. 1	146	2	28	699	8168
Mch. 2	186	1	28	825	8168
1896					
June 3	309	—	29	195	5990
1897					
Jan. 13	11	1	29	484	4939
Jan 20	68	—	29	492	1215
Feb. 8	172	—	29	512	10415
Feb 15	231	—	29	530	8168
Mch. 3	378	—	29	625	9373
Mch. 3	391	5	29	692	9444
Mch. 3	391	6	29	694	9467
1898					
Apr. 21	184	—	30	360	8168
June 13	448	13	30	454	6318hh
June 13	448	14	30	455	6318hhh
June 13	448	15	30	455	6318hhhh
July 1	541	17	30	550	9601
Dec. 21	28	5	30	756	8322
Dec. 21	28	24[10]	30	763	8323
Dec. 21	36	1	30	770	3149
1900					
Apr 12	191	35	31	85	1215
Apr. 30	339	26	31	146	3668
Apr. 30	339	34	31	147	3676
Apr 30	339	40	31	148	3682
Apr. 30	339	55	31	150	3697
Apr. 30	339	66	31	153	3707
Apr. 30	339	73	31	154	3714
Apr. 30	339	80	31	156	3721
Apr. 30	339	86	31	158	1215
Apr. 30	339	86	31	158	3727
Apr. 30	339	92	31	159	3730
Apr. 30	339	105	—	—	3737½
Apr. 30	339	106	—	—	3737½a
Apr. 30	339	107	—	—	3746c
May 12	391	—	31	175	1084
May 12	393	1	31	177	6346
June 2	614	—	31	262	8168
June 6	786	4	31	322	3564
June 6	803	—	31	660	1121
1901					
Jan 22	105	—	31	736	1104
Feb. 4	195	—	31	759	5990
Feb. 20	386	—	31	799	8242
Mch. 1	676	1	31	871	4107a
Mch. 2	804	—	31	912	2270
Mch. 2	806	7[13]	31	947	6318hh
Mch. 3	855	[8]	31	1436	4992
1902					
Mch. 11	182	—	32	63	4546
Apr. 11	417	—	32	95	9427
June 30	1327	[1]	32	506	6346
July 1	1355	—	32	630	1203
July 1	1355	—	32	630	1205

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1902					
July 1	1369	8	32	694	3814ff
July 1	1371	1	32	714	6169
1903					
Feb 5	487	5[17]	32	798	9601
Feb 12	547	—	32	825	969
Feb 13	547	—	32	825	1127
1904					
Mch 4	394	—	33	59	4546
Apr 26	1603	1[10]	33	308	8323
1905					
Feb. 8	550	—	33	705	10415
Feb 18	586	—	33	720	8242
Feb 20	592	5	33	725	9490
Feb 20	592	11	33	727	9496
Feb. 28	1163	—	33	818	9684
Mch 3	1404	—	33	853	2270
Mch. 3	1455	—	33	1026	8168
Mch. 3	1457	8	33	1031	8242
Mch. 3	1465	2[80]	33	1035	3731
1906					
Apr. 9	1372	1	34	106	8168
Apr 14	1627	—	34	116	1121
Apr. 24	1861	—	34	132	6494
May 28	2565	—	34	204	8242
June 7	3046	1[43]	34	215	6112
June 16	3335	13	34	275	1088
June 16	3335	14	34	275	1088
June 21	3504	—	34	328	4163a
June 22	3516	—	34	451	9761
June 26	3547	3	34	479	3630
June 26	3547	4	34	479	3631
June 26	3547	5	34	479	3632
June 29	3591	1[1]	34	584	8563
June 29	3591	2[6]	34	586	8569
June 29	3591	3[14]	34	589	8582
June 29	3591	4[15]	34	589	8583
June 29	3591	5[16]	34	590	8584
June 29	3591	7[20]	34	593	8592
June 29	3591	7[30]	34	595	8604a
June 29	3591	7[20]	34	595	8604aa
June 29	3591	8[24]	34	595	8596
1907					
Feb 26	1635	4	34	993	36
Mch 2	2561	—	34	1244	7293
Mch. 2	2573	1[5]	34	1251	9490
Mch 4	2940	—	34	1417	980
1908					
Mch 26	102	1	35	48	4491
Mch. 26	102	2	35	48	4492
Mch 26	102	3	35	48	4493
Mch. 26	102	4	—	—	4493a
Apr 2	124	[73]	35	56	3714
Apr 13	143	[1]	35	60	8563
May 27	200	1	35	343	9482
May 28	212	9	35	428	8168
May 30	229	11	35	551	9714
May 20	234	1	35	554	10102
May 30	234	2	35	555	10403
May 30	234	3	35	555	10404
May 30	234	4	35	555	10405
May 30	234	5	35	555	10405
May 30	235	—	35	555	10199
1909					
Feb. 9	100	1	35	614	8800
Feb. 9	100	2	35	614	8801
Feb. 9	100	5	—	—	8801e
Feb 9	100	6	—	—	8801d
Feb. 9	100	8	—	—	8801f
Feb. 9	100	9	—	—	8801g
Feb. 15	127	—	35	619	1237
Feb. 24	181	—	35	645	4780
Feb. 25	193	[20]	35	649	8592
Mch. 2	235	—	35	673	3131
Mch. 3	269	1	35	838	1215
Mch. 3	269	1[86]	35	838	3727
Mch. 3	269	2[4]	35	839	3564
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Mch. 4	321	194	35	1125	10364
Mch. 4	321	217	35	1131	10387
Mch 4	321	232	35	1134	10402
Mch 4	321	233	35	1135	10403
Mch. 4	321	234	35	1135	10404
Mch. 4	321	235	35	1135	10405
Mch. 4	321	236	35	1136	10406
Mch. 4	321	245	35	1138	10415
Aug. 5	6	30	36	108	6169
Aug. 5	6	32	36	109	6202
1910					
May 23	255	—	36	416	7410
May 27	258	2[26]	36	444	3668
May 27	258	4[55]	36	444	3697
May 27	258	5[73]	36	444	3714
May 27	258	8[92]	36	448	3730
June 18	309	7[1]	36	544	8563
June 18	309	8[4]	36	547	8566
June 18	309	9[6]	36	548	8569
June 18	309	10[10]	36	549	8574
June 18	309	11[13]	36	550	8581
June 18	309	12[15]	36	551	8583
June 18	309	13[16]	36	554	8584
June 18	309	14[20]	36	555	8592
June 18	309	17	36	557	1243
June 22	329	1	36	590	6002
June 24	378	—	36	607	652
June 25	382	4	36	676	9899
June 25	386	6	36	815	7585
June 25	414	2	36	843	9482
June 25	423	—	36	851	9465
June 25	435	[1]	36	866	1626
1911					
Feb. 13	46	5	36	901	5571
Feb. 17	103	1	36	913	8630
Feb. 17	103	2	36	913	8631
Feb. 17	103	3	36	914	8632
Feb 17	103	4	36	914	8633
Feb 18	113	[5]	36	918	9490
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Mch. 2	198	—	36	1014	5990
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June 21	32	7[16]	40	236	9799
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Apr. 4	44	4[4]	40	504	6829kk
Apr. 5	45	1	40	506	3115⅛a
Apr. 5	45	7	40	508	3115⅛dd
Apr 5	45	12	40	509	3115⅛g
Apr 5	45	13	40	510	3115⅛gg
Apr. 5	45	15	40	510	3115⅛hh
Apr. 5	45	20	40	512	9764
Apr 5	45	21	—	—	3115⅛k(1)
Apr. 5	45	22	—	—	3115 ⅛k(2)
Apr. 5	45	23	—	—	3115 ⅛k(3)
Apr 5	45	24	—	—	3115 ⅛k(4)
Apr. 5	45	25	—	—	3115 ⅛k(5)
Apr. 5	45	26	—	—	3115 ⅛k(6)
Apr. 5	45	27	—	—	3115 ⅛k(7)
Apr. 5	45	28	—	—	3115 ⅛k(8)
May 16	74	5	40	552	3115⅝e
May 25	85	[15]	40	561	1868a
June 13	98	[101]	40	604	1088
June 14	101	1	40	606	4234a
June 14	101	2	40	606	4234b
June 20	103	2	40	608	8435c
June 20	103	4	40	608	8459c
June 20	103	5	40	608	8439b
June 20	103	6	40	608	8455a
June 20	103	7	40	608	8446a
June 20	103	8	40	609	8447
June 25	104	18[313]	40	613	514tttt
June 26	105	1[3]	40	616	8632
June 26	105	1[4]	40	616	8633
June 27	108	—	40	623	2270
June 27	108	—	40	623	2273a
June 27	108	—	40	632	6676b
June 28	110	[1]	40	632	5046a
June 28	110	[2]	40	633	5046aa
June 28	110	[3]	40	633	5046b
July 1	113	1	40	640	8459½b (19½)
July 1	113	1	40	640	8459½b (34½)
July 1	113	1	40	644	9189a
July 1	113	1	40	644	9302a
July 1	113	1	40	646	3115½fff
July 1	113	1	40	650	3115ii
July 1	113	1	40	650	3360a
July 1	113	1	40	671	3115¼aaa
July 1	113	1	40	671	3115¼fff
July 1	113	1	40	672	3369e
July 1	113	1	40	672	6836b
July 1	113	1	40	673	3369ee
July 1	113	1	40	674	4709a
July 1	113	1	40	675	6836c
July 1	113	1	40	677	5250aa
July 1	113	1	40	678	5201
July 1	113	1	40	680	9355a
July 1	113	1	40	683	1323a
July 1	113	1	40	683	1432a
July 1	113	1	40	683	1448
July 1	113	1	40	683	1630a
July 1	113	1	40	688	6774a
July 1	113	1	40	688	6836d
July 1	113	1	40	693	908a
July 1	113	1	40	694	6774b
July 1	113	1	40	694	9192a
July 1	113	1	40	696	4281a
July 1	114	—	40	705	652aa
July 1	114	—	40	705	2776a
July 1	114	—	40	705	2804g
July 1	114	—	40	705	9465
July 1	114	—	40	708	2499a
July 1	114	—	40	708	2511e
July 1	114	—	40	709	2511f
July 1	114	—	40	709	2511g
July 1	114	—	40	709	2511h
July 1	114	—	40	710	2511i
July 1	114	—	40	712	3078e
July 1	114	[2]	40	714	2918aa
July 1	114	[4]	40	715	2483g
July 1	114	—	40	715	2901a
July 1	114	—	40	716	621d
July 1	114	[5]	40	716	2483h
July 1	114	[5]	40	716	2483i
July 1	114	[4]	40	716	2541d
July 1	114	[5]	40	716	2554a
July 1	114	[5]	40	716	2554aa
July 1	114	[5]	40	716	2554bb
July 1	114	[4]	40	716	2901b
July 1	114	—	40	717	2471aaa
July 1	114	—	40	717	2483ii
July 1	114	—	40	717	2653c
July 1	114	—	40	717	2653d
July 1	114	—	40	717	2697h
July 1	114	—	40	717	2843aa
July 1	114	—	40	717	2900a
July 1	114	—	40	718	655a
July 1	114	—	40	718	2699a
July 1	114	—	40	718	2851aa
July 1	114	—	40	718	2952½cc
July 1	114	—	40	718	7256aa
July 1	114	—	40	719	2659aa
July 1	114	—	40	720	2804bbb
July 1	114	—	40	721	6772b
July 1	114	—	40	723	655b
July 1	114	—	40	730	2804h
July 1	114	—	40	735	2916a
July 1	114	—	40	736	2925a
July 2	115	—	40	739	8155
July 2	115	—	40	740	8157
July 2	115	—	40	740	8168
July 2	117	1	40	747	7454a
July 2	117	1	40	748	7431aa
July 2	117	1	40	751	7455b
July 2	117	4	40	753	7446a
July 2	117	6	40	753	7193a
July 2	117	8	40	753	7430b
July 2	117	9	40	754	7244aa
July 2	117	10	40	754	7211a
July 2	117	12	40	754	7586a
July 2	117	13[6]	40	754	7585
July 3	128	1	40	755	8837a
July 3	128	2	40	755	8837b
July 3	128	3	40	755	8837c
July 3	128	4	40	755	8837d
July 3	128	5	40	756	8837e
July 3	128	6	40	756	8837f
July 3	128	7	40	756	8837g
July 3	128	8	40	756	8837h
July 3	128	9	40	756	8837i
July 3	128	10	40	757	8837j
July 3	128	11	40	757	8837k
July 3	128	12	40	757	8837l
July 3	128	13	40	757	8837m
July 3	130	1	40	773	414a
July 3	130	1	40	785	1859b
July 8	137	1	40	817	3092a
July 8	138	—	40	821	7678¼
July 8	139	1	40	823	3230c
July 8	139	1	40	826	6933c
July 8	139	1	40	831	3329cc
July 8	139	1	40	836	7000a
July 9	142	1[1]	40	844	6820ii
July 9	142	2[2]	40	844	6829j
July 9	142	3	40	845	6829ll
July 9	142	4	40	845	6829m(½)
July 9	142	5	40	845	6829qq
July 9	143	—	40	848	1867dddd
July 9	143	—	40	849	1867ccc
July 9	143	—	40	849	1867dd½

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July 9	143	—	40	849	1867p
July 9	143	—	40	849	1972aaa
July 9	143	—	40	850	6941aa
July 9	143	[23]	40	851	1920b
July 9	143	—	40	852	1738aa
July 9	143	—	40	853	1717bbb
July 9	143	—	40	855	2118d
July 9	143	—	40	857	6856
July 9	143	—	40	859	2136b
July 9	143	—	40	860	2126b
July 9	143	—	40	861	6932a
July 9	143	—	40	863	3602a
July 9	143	—	40	866	1807aa
July 9	143	—	40	866	1816a
July 9	143	[11]	40	868	1812a
July 9	143	—	40	869	1991aa
July 9	143	—	40	870	1913a
July 9	143	—	40	870	1943b
July 9	143	—	40	870	1943c
July 9	143	—	40	870	3084b
July 9	143	—	40	871	1943d
July 9	143	—	40	871	1943e
July 9	143	—	40	871	1943f
July 9	143	—	40	871	1943g
July 9	143	—	40	871	1943h
July 9	143	—	40	872	1943i
July 9	143	—	40	872	1943j
July 9	143	—	40	872	1943k
July 9	143	—	40	872	1943l
July 9	143	—	40	873	1943m
July 9	143	—	40	874	3072a
July 9	143	—	40	874	3072b
July 9	143	—	40	875	3041cc
July 9	143	—	40	877	6676aa

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July 9	143	3	—	40	878	3064a
July 9	143	5	1	40	879	1832b
July 9	143	5	2	40	879	1832c
July 9	143	5	3	40	879	1832d
July 9	143	5	4	40	879	1832e
July 9	143	5	5	40	879	1832f
July 9	143	5	6	40	879	1832g
July 9	143	6	[1]	40	880	6403
July 9	143	6	[2]	40	880	6403(1)
July 9	143	6	[3]	40	881	6403(2)
July 9	143	6	[4]	40	881	6403(3)
July 9	143	6	[5]	40	881	6403(4)
July 9	143	8	—	40	881	2019d
July 9	143	9	—	40	881	1731aa
July 9	143	12	1	40	884	2044¼(a)
July 9	143	12	2	40	884	2044¼(b)
July 9	143	12	3	40	884	2044¼(c)
July 9	143	15	1	40	886	9188¼(a)
July 9	143	15	2	40	886	9188¼(b)
July 9	143	15	3	40	886	9188¼(c)
July 9	143	15	4	40	886	9188¼(d)
July 9	143	15	5	40	887	9188¼(e)
July 9	143	15	6	40	887	9188¼(f)
July 9	143	15	7	40	887	9188¼(g)
July 9	143	15	8	40	887	9188¼(h)
July 9	143	15	8	40	888	6911aa
July 9	143	17	2[22]	40	889	1991a
July 9	143	17	3[24]	40	890	1920a
July 9	143	17	5[28]	40	890	2144n
July 9	143	17	9[55]	40	891	1892e
July 9	143	17	10 [125]	40	891	1949a
July 9	143	18	—	40	892	2136aa
July 9	143	18	—	40	892	2136c
July 9	143	18	—	40	892	3071d
July 9	143	18	—	40	892	6617a
July 9	143	19	1	40	892	9862a
July 9	143	19	2	40	893	9862b
July 9	143	19	3	40	893	9862c
July 9	143	19	4	40	893	9862d
July 9	143	20	—	40	893	1738aaa
July 9	143	20	—	40	893	1952aa
July 9	143	20	—	40	893	1952b

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July 9	143	22	—	40	894	2230c

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July 10	144	1	40	896	10563a
July 10	144	1	40	896	10563b
July 10	144	2	40	896	10563c
July 10	144	3	40	897	10563d
July 10	144	4	40	897	10563e
July 10	144	5	40	897	10563f
July 10	144	6	40	897	10563g
July 10	144	7	40	897	10563h
July 10	144	8	40	897	10563i
July 10	144	9	40	897	10563j
July 15	152	1[1]	40	900	8146a
July 15	152	2[2]	40	900	8146aa
July 15	152	3[9]	40	900	8146e
July 15	152	4[37]	40	901	8146r(1)
July 15	152	4[38]	40	902	8146r(2)
July 15	152	4[39]	40	902	8146r(3)
July 15	152	4[40]	40	902	8146r(4)
July 15	152	4[41]	40	902	8146r(5)
July 15	152	4[42]	40	903	8146r(6)
July 15	152	4[43]	40	903	8146r(7)
July 15	152	4[44]	40	903	8146r(8)
July 16	153	1	40	903	8985a
July 16	153	2	40	904	8985b
July 18	155	1	40	908	10002aaa
July 18	155	5	40	911	9878a
July 18	155	6	40	911	9878b
July 18	155	7	40	911	9874a
July 18	155	9	40	912	9877a
July 18	156	1	40	912	8907uu
July 18	156	2	40	913	8907v
July 18	156	3	40	913	8907vv
July 18	156	4	40	913	8907w
July 18	156	5	40	913	8907ww
July 18	156	6	40	913	8907x
Aug 31	164	1	40	950	3363a
Aug 31	164	1	40	951	3345a
Aug 31	164	1	40	951	3363a
Aug 31	166	4	40	956	2044q(2)
Aug. 31	166	5	40	956	213a
Aug. 31	166	6	40	956	1919a
Aug. 31	166	7	40	957	2044q(3)
Aug. 31	166	8	40	957	4588a
Aug 31	166	9	40	957	2123a
Sept 21	175	—	40	965	4824b
Sept 24	176	1	40	965	6829r
Sept 24	176	2[6]	40	966	6829z
Sept. 24	176	3	40	966	6829m(¼)
Sept 24	176	4	40	966	6537a
Sept. 24	176	5[5]	40	966	3115½c
Sept. 24	176	6	40	967	9761
Sept. 24	176	7	40	967	6829qqq
Sept. 26	177	1[4]	40	968	9788
Sept. 26	177	2[11]	40	968	9794
Sept 26	177	3[16]	40	969	9799
Sept 26	177	4[19]	40	970	9801
Sept. 26	177	5[22]	40	970	9833
Sept 26	177	7	40	972	9770
Sept. 26	177	7	40	972	9772
Oct. 1	178	—	40	990	5151a
Oct 1	178	—	40	992	9139b
Oct. 1	178	—	40	998	8897b
Oct. 1	178	—	40	1007	839b
Oct. 1	178	[6]	40	1008	6218
Oct. 16	186	1	40	1012	4289¼b(1)
Oct 16	186	2	40	1012	4289¼b(2)
Oct. 16	186	3	40	1012	4289¼b(3)
Oct. 23	194	[35]	40	1015	10199
Oct. 25	195	[3]	40	1016	4587c
Oct. 30	198	—	40	1018	9142a
Nov. 4	201	1[7]	40	1020	3115½d
Nov. 4	201	1	40	1028	1952¼
Nov. 4	201	1	40	1029	9212a
Nov. 4	201	1	40	1035	6829l(½)
Nov. 4	201	1	40	1036	8455aa
Nov. 7	208	1	40	1042	9291a
Nov. 7	208	2	40	1043	9291b

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Nov. 7	209	1	40	1043	9696a
Nov. 7	209	2	40	1044	9696b
Nov 21	213	1	40	1048	839c
Nov. 21	213	3[9]	40	1048	8689a
Nov. 21	213	5[7]	40	1049	3115½dd
Dec 2	1	—	40	1051	6494
1919					
Jan 12	7	—	40	1054	2924b
Jan 12	8	—	40	1054	2619c
Jan 25	10	—	40	1055	879
Feb 4	13	—	40	1055	5110a
Feb 4	14	1	40	1056	2715b
Feb 4	14	2	40	1056	2715c
Feb 4	14	3	40	1056	2715d
Feb 4	14	4	40	1056	2715e
Feb 4	14	5	40	1056	2715f
Feb 4	14	6	40	1056	2715g
Feb 4	14	7	40	1057	2715h
Feb. 4	14	8	40	1057	2715i
Feb 4	14	9	40	1057	2715j
Feb. 24	18	1	40	1057	6371¼a
Feb. 24	18	600(a)	40	1105	5986e
Feb 24	18	600(b)	40	1105	5986f
Feb 24	18	600(b)	40	1105	5986g
Feb 24	18	600(b)	40	1106	5986h
Feb. 24	18	600(c)	40	1106	5986i
Feb. 24	18	601	40	1106	8739bb
Feb. 24	18	602	40	1106	6028a
Feb 24	18	602	40	1107	6024a
Feb. 24	18	602	40	1107	6028b
Feb 24	18	602	40	1107	6089a
Feb. 24	18	603	40	1107	6137a
Feb 24	18	604	40	1107	5986j
Feb. 24	18	605	40	1108	5986k
Feb 24	18	606	40	1108	5986l
Feb 24	18	607	40	1109	6017a
Feb 24	18	608	40	1109	6144bb
Feb 24	18	609	40	1109	6151a
Feb. 24	18	610	40	1109	6110f
Feb 24	18	611	40	1110	6110g
Feb 24	18	612	40	1110	6110h
Feb 24	18	613	40	1110	6114h
Feb 24	18	614	40	1111	6114i
Feb 24	18	615	40	1111	6111aa
Feb 24	18	616	40	1111	6114j
Feb. 24	18	617[42]	40	1111	6111
Feb 24	18	617[43]	40	1111	6112
Feb. 24	18	617[45]	40	1112	6114
Feb. 24	18	618(a)	40	1113	6114ff
Feb. 24	18	618(b)	40	1113	6114g
Feb. 24	18	619	40	1113	6114k
Feb. 24	18	620	40	1113	6114l
Feb. 24	18	621	40	1114	6114m
Feb 24	18	622	40	1114	6114n
Feb 24	18	623	40	1114	6002
Feb. 24	18	624	40	1114	6127a
Feb. 24	18	625	40	1114	5990
Feb. 24	18	626	40	1115	6070a
Feb. 24	18	627	40	1115	6161
Feb. 24	18	701(b)	40	1117	6169
Feb. 24	18	704	40	1119	6168
Feb. 24	18	1006[1]	40	1130	6287g
Feb. 24	18	1007[6]	40	1132	6287l
Feb. 24	18	1300	40	1140	490a
Feb. 24	18	1301(a)	40	1140	493a
Feb 24	18	1301(b)	40	1140	5851a
Feb. 24	18	1301(c)	40	1140	6371½a
Feb. 24	18	1301(d)	40	1141	6371½b
Feb. 24	18	1302	40	1141	5877aa
Feb. 24	18	1303	40	1141	106a
Feb 24	18	1304	40	1142	6340aa
Feb. 24	18	1305	40	1142	6371½c
Feb. 24	18	1305	40	1142	6371½d
Feb. 24	18	1305	40	1142	6371½e
Feb 24	18	1306	40	1142	6371½f
Feb. 24	18	1307	40	1143	6371½g
Feb. 24	18	1308	40	1143	6371½h
Feb. 24	18	1309	40	1143	6371½i
Feb. 24	18	1309	40	1143	6371½j
Feb. 24	18	1310	40	1143	6371½k

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Feb 24	18	1312	40	1144	6371½m
Feb 24	18	1313	40	1145	6371½n
Feb 24	18	1315	40	1145	6097
Feb 24	18	1316(a)	40	1145	5944
Feb 24	18	1317	40	1146	5884
Feb 24	18	1317	40	1146	5885
Feb 24	18	1317	40	1146	5887
Feb 24	18	1317	40	1146	5895
Feb 24	18	1317	40	1146	5896
Feb. 24	18	1317	40	1147	5899
Feb 24	18	1318	40	1148	6371½o
Feb 24	18	1400	40	1149	6371¼a
Feb 24	18	1401	40	1150	7354aa
Feb 24	18	1402	40	1150	6371¾b
Feb 24	18	1403 [903]	40	1150	6371bb
Feb 24	18	1404 [1303]	40	1150	6371⅛bb
Feb 24	18	1405	40	1151	6371¾c
Feb 24	18	1406	40	1151	2165aa
Feb 24	18	1407	40	1151	10387ee
Feb 24	18	1408	40	1151	6371¾cc
Feb 24	18	1409	40	1152	6371¾d
Feb 25	21	—	40	1153	4532a
Feb 25	23	1	40	1154	784a
Feb 25	23	2	40	1154	784b
Feb 25	29	1[2]	40	1156	969
Feb 25	29	2[118]	40	1156	1109
Feb 25	29	4[136]	40	1157	1127
Feb 25	29	5	40	1157	1179a
Feb 25	29	6[260]	40	1157	1237
Feb. 25	37	—	40	1161	4593a
Feb. 25	38	—	40	1161	7706a
Feb 25	39	3	40	1173	6041aa
Feb. 25	39	4	40	1174	2942b
Feb 26	44	1	40	1175	5249vv
Feb 26	44	2	40	1177	5249w
Feb 26	44	3	40	1177	5249ww
Feb. 26	44	4	40	1177	5249x
Feb. 26	44	5	40	1178	5249xx
Feb. 26	44	6	40	1178	5249y
Feb. 26	44	7	40	1178	5249yy
Feb 26	44	8	40	1178	5249z
Feb 26	44	9	40	1178	5219zz
Feb. 26	45	1	40	1178	5249½a
Feb 26	45	2	40	1179	5219½b
Feb. 26	45	3	40	1179	5249½c
Feb. 26	48	[269]	40	1181	1246
Feb. 26	49	1	40	1182	1385a
Feb. 26	49	2	40	1182	1385b
Feb. 26	49	3	40	1182	1385c
Feb. 26	49	4	40	1182	1385d
Feb 26	49	5	40	1182	1385e
Feb 26	49	6	40	1182	1385f
Feb 26	49	7	40	1182	1385g
Feb. 26	49	8	40	1182	1385h
Feb. 26	49	9	40	1183	1385i
Feb. 26	50	1	40	1183	968i
Feb. 26	50	2	40	1183	968j
Feb. 26	51	—	40	1183	1450b
Feb. 28	69	1	40	1192	7245a
Feb. 28	69	1	40	1193	7239aa
Feb. 28	69	1	40	1194	7300b
Feb. 28	69	1	40	1194	7430a
Feb. 28	69	1	40	1194	7430c
Feb. 28	69	1	40	1198	7301a
Feb. 28	69	2	40	1199	7227a
Feb. 28	69	5	40	1200	7477bb
Feb. 28	69	5	40	1201	7477ff
Feb 28	69	6	40	1201	7477j
Feb 28	69	7	40	1201	7477k
Feb. 28	69	8	40	1201	5150aa
Feb. 28	69	9	40	1202	7477l
Feb. 28	69	9	40	1202	7477m
Feb. 28	69	9	40	1202	7477n
Feb. 28	70	1	40	1202	1949b
Feb. 28	70	2	40	1203	1949c
Feb. 28	70	3[126]	40	1203	2184
Feb. 28	78	—	40	1210	4708a
Feb 28	79	—	40	1211	1891bb
Feb. 28	80	[4]	40	1211	1832e

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Mch 1	86	1	40	1262	872a
Mch 1	86	1	40	1262	6836e
Mch 1	86	1	40	1264	6836f
Mch 1	86	8	40	1268	3265a
Mch 1	86	10	40	1269	3369aa
Mch 1	86	11	40	1270	6955
Mch 1	86	11	40	1270	7173a
Mch 1	86	11	40	1270	7176a
Mch 1	87	—	40	1270	1095bb
Mch 1	88	[4]	40	1270	5219d
Mch 1	89	—	40	1271	1057a
Mch 2	94	1	40	1272	3115¹¹/₁₅a
Mch 2	94	2	40	1273	3115¹¹/₁₅b
Mch. 2	94	3	40	1273	3115¹¹/₁₅c
Mch 2	94	4	40	1273	3115¹¹/₁₅d
Mch 2	94	5	40	1274	3115¹¹/₁₅e
Mch 2	95	1	40	1286	9874b
Mch. 2	95	3	40	1287	9891a
Mch. 2	95	4	40	1287	9855d
Mch 2	95	6	40	1287	9866a
Mch 2	95	6	40	1287	9866b
Mch. 2	95	6	40	1287	9866bb
Mch 2	95	7[6]	40	1290	3115¾f
Mch 2	95	8	40	1290	988.a
Mch 2	95	10	40	1290	9886b
Mch 3	96	[1]	40	1291	8907uu
Mch 3	96	[2]	40	1291	8907v
Mch 3	96	[3]	40	1291	8907vv
Mch. 3	96	[4]	40	1291	8907w
Mch 3	96	[5]	40	1291	8907ww
Mch 3	96	[6]	40	1291	8907x
Mch 3	97	1	40	1291	4388a
Mch 3	97	2	40	1292	4388aa
Mch. 3	97	3	40	1292	915
Mch. 3	97	4	40	1292	916
Mch 3	97	5	40	1292	917
Mch. 3	97	6	40	1292	918
Mch. 3	97	6	40	1293	3214a
Mch. 3	97	7	40	1293	919
Mch. 3	97	7	40	1293	3284
Mch. 3	97	8	40	1294	4388b
Mch. 3	97	9	40	1295	4388bb
Mch 3	97	10	40	1295	4388c
Mch 3	97	11	40	1296	4388cc
Mch 3	97	12	40	1296	4388d
Mch 3	97	13	40	1296	4388dd
Mch. 3	97	14	40	1297	4388e
Mch. 3	97	15	40	1297	4388ee
Mch. 3	97	16	40	1297	4388f
Mch 3	97	17	40	1298	4388ff
Mch. 3	97	18	40	1298	4388g
Mch. 3	97	19	40	1298	4388gg
Mch. 3	97	20	40	1298	4388h
Mch. 3	97	21	40	1299	4388hh
Mch. 3	97	23	40	1299	4388i
Mch. 3	97	23	40	1299	4388ii
Mch. 3	97	24	40	1300	4388j
Mch. 3	97	25	40	1300	4388jj
Mch. 3	97	26	40	1300	4388k
Mch 3	97	27	40	1300	4388kk
Mch. 3	97	28	40	1301	4388l
Mch. 3	97	29	40	1301	7376
Mch. 3	97	30	40	1301	4388ll
Mch. 3	97	31	40	1301	4388m
Mch. 3	97	32	40	1301	4388mm
Mch. 3	97	33	40	1301	4388n
Mch. 3	97	34	40	1302	4388nn
Mch. 3	98	1	40	1302	9212aa
Mch. 3	98	2	40	1302	9212b
Mch. 3	98	3	40	1303	9212c
Mch. 3	98	4	40	1303	9212d
Mch. 3	98	5	40	1303	9212e
Mch. 3	98	6	40	1303	9212f
Mch. 3	98	6	40	1303	9212g
Mch. 3	98	7	40	1303	9212h
Mch. 3	98	8	40	1304	9212i
Mch. 3	98	9	40	1304	9212j
Mch. 3	98	10	40	1304	9212k
Mch. 3	98	11	40	1305	9212l
Mch. 3	99	6	40	1309	6702a
Mch 3	100	1[18]	40	1309	6829nn
Mch 3	100	2	40	1310	6829ll(½)
Mch 3	100	3[5]	40	1311	6829kk
Mch 3	100	4[3]	40	1311	6829ll
Mch 3	100	5	40	1311	6829k(½)
Mch 3	100	6	40	1311	6829p(½)
Mch 3	100	7	40	1312	6829jj
Mch 3	100	8	40	1313	6829jjjj
Mch 3	100	9[21]	40	1313	3115½k(1)
Mch 3	100	10[15]	40	1314	3115½hh
Mch 3	100	11	40	1314	6829qqqq
Mch 3	101	1[7]	40	1314	9791
Mch 3	101	2[10]	40	1315	9793
Mch. 3	101	3[11]	40	1315	9794
Mch 3	101	4	40	1315	9714
Mch. 3	111	[8]	40	1321	4992
Mch. 3	113	—	40	1321	2162aa
Mch 3	113	—	40	1321	4976a
Mch 3	114	—	40	1322	4694aa
Mch. 3	115	[8]	40	1322	4902
Mch. 4	124	—	40	1339	2275a
Mch. 4	124	—	40	1339	2275c
Mch 4	124	—	40	1347	2278a
Mch 4	124	—	40	1348	2282a
Mch. 4	125	6	40	1351	6309e
Mch 4	125	6	40	1352	6309ee
Mch 4	125	6	40	1352	6309i
June 30	4	1	41	4	4137aa
June 30	4	1	41	6	4170aaa
June 30	4	1	41	9	4078aa
June 30	4	1	41	9	4136
June 30	4	8	41	14	4231a
June 30	4	26	41	31	4221a
June 30	4	26	41	31	4221ss
June 30	4	26	41	32	4221b
June 30	4	26	41	32	4221c
June 30	4	26	41	32	4221d
June 30	4	26	41	32	4221e
June 30	4	26	41	32	4221f
June 30	4	26	41	32	4221g
June 30	4	26	41	32	4221h
June 30	4	26	41	32	4221i
June 30	4	26	41	32	4221j
June 30	4	26	41	33	4221k
June 30	4	26	41	33	4221l
June 30	4	26	41	33	4221m
June 30	4	26	41	33	4221n
June 30	4	26	41	33	4221o
June 30	4	26	41	33	4221p
June 30	4	26	41	33	4221q
June 30	4	26	41	34	4221r
June 30	4	26	41	34	4221s
June 30	4	27	41	34	4529b
July 11	6	1[9]	41	35	3115½e
July 11	6	1	41	36	3286i
July 11	6	1[6]	41	37	3214a
July 11	6	1[6]	41	45	9213g
July 11	6	1	41	57	114a
July 11	6	5	41	67	6941d
July 11	6	6	41	68	10281a
July 11	7	11	41	104	8932v
July 11	8	—	41	105	6941c
July 11	8	—	41	109	1867bb
July 11	8	—	41	109	1867bbb
July 11	8	—	41	109	1867bbbb
July 11	8	—	41	109	2126c
July 11	8	—	41	110	2162b
July 11	8	—	41	111	1980aa
July 11	8	—	41	112	2161b
July 11	8	—	41	126	3063a
July 11	8	[69]	41	127	3044h
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July 11		9	—	41	134	2577aaa
July 11		9	—	41	139	2596a
July 11		9	—	41	139	2596b
July 11		9	—	41	139	2697dd
July 11		9	—	41	139	2858a
July 11		9	—	41	139	2900b
July 11		9	—	41	140	2559aa
July 11		9	—	41	140	2679aa
July 11		9	—	41	140	2697hh
July 11		9	—	41	140	2702a
July 11		9	[1]	41	140	2726c
July 11		9	—	41	141	2483hh
July 11		9	—	41	141	2659aaaa
July 11		9	—	41	142	3215b
July 11		9	—	41	147	2522a
July 11		9	—	41	147	2697i
July 11		9	—	41	148	3369e(1)
July 11		9	—	41	152	2758a
July 11		9	—	41	152	2900c
July 11		9	—	41	152	2918aaa
July 11		9	—	41	153	2659aaa
July 11		9	—	41	153	2918aaaa
July 11		9	—	41	154	2938a
July 11		9	—	41	154	2942aa
July 11		9	—	41	155	2942aaa
July 19		24	1	41	181	3115 1/16ee
July 19		24	1	41	182	5326bb
July 19		24	1	41	193	6941bb
July 19		24	1	41	200	3369e(2)
July 19		24	1	41	200	3369eee
July 19		24	1	41	202	4740a
July 19		24	1	41	205	9294a
July 19		24	1	41	205	9331c
July 19		24	1	41	209	1418a
July 19		24	1	41	210	1409a
July 19		24	1	41	222	4352aaa
July 19		24	1[5]	41	224	3115⅝e
July 19		24	3	41	233	7187a
July 19		24	4	41	233	281a
July 19		24	5	41	233	6941eee
July 24		26	—	41	237	7173aa
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July 24		26	[6]	41	266	8747¾c
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July 24		26	—	41	270	814e
July 24		26	—	41	270	839e
July 24		26	—	41	270	839f
July 24		26	—	41	271	4532d
July 24		26	—	41	271	8724a
Aug. 2		30	—	41	272	7000b
Aug. 4		31	—	41	272	9388a
Aug. 6		32	1	41	273	7706b
Aug. 6		32	2	41	273	7706c
Aug. 6		32	3	41	273	7706d
Aug. 6		32	4	41	273	7706e
Aug. 6		32	5	41	273	7706f
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Aug. 25		52	—	41	281	6923a
Sept. 3		56	—	41	283	1717bb(1)
Sept. 16		59	1	41	284	9390½
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Sept 16		59	3	41	285	9390½b
Sept. 16		59	4	41	285	9390½c
Sept. 16		59	5	41	285	9390½d
Sept. 16		59	6	41	285	9390½e
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Sept 16		59	8	41	285	9390½g
Sept 16		59	9	41	285	9390½h
Sept 16		59	9½	41	285	9390½i
Sept 16		59	10	41	285	9390½j
Sept 17		60	1[25]	41	285	9745
Sept 17		60	2[25]	41	286	9745
Sept 17		60	3[25]	41	286	9745
Sept 17		61	—	41	286	2044q(4)
Sept 17		61	—	41	286	2073(1)
Sept. 29		63	[4]	41	287	4587d
Sept 29		63	[5]	41	287	4587e
Sept 29		64	—	41	288	4532e
Sept 29		65	—	41	288	2164naa
Oct 18		76	[2]	41	293	3593b
Oct 22		77	1	41	293	4684gg
Oct 22		77	2	41	294	4684h
Oct 22		77	3	41	294	4684i
Oct 22		77	4	41	294	4684j
Oct 22		77	5	41	294	4684k
Oct 22		77	6	41	294	4684l
Oct 22		77	7	41	295	4684m
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Oct 22		77	9	41	295	4684o
Oct 22		79	1	41	296	9761
Oct 22		79	2	41	297	9764
Oct. 25		82	—	41	305	8152a
Oct. 28		85	1	41	305	10138¼
Oct. 28		85	1	1	41	305	10138¼a
Oct 28		85	1	2	41	306	10138¼b
Oct 28		85	1	3	41	306	10138¼c
Oct 28		85	1	4	41	306	10138¼d
Oct 28		85	1	5	41	307	10138¼e
Oct 28		85	1	6	41	307	10138¼f
Oct 28		85	1	7	41	307	10138¼g
Oct 28		85	2	1	41	307	10138½
Oct. 28		85	2	2	41	308	10138½a
Oct 28		85	2	3	41	308	10138½aa
Oct 28		85	2	4	41	309	10138½b
Oct. 28		85	2	5	41	309	10138½bb
Oct. 28		85	2	6	41	310	10138½c
Oct. 28		85	2	7	41	311	10138½cc
Oct. 28		85	2	8	41	311	10138½d
Oct 28		85	2	9	41	311	10138½dd
Oct 28		85	2	10	41	312	10138½e
Oct. 28		85	2	11	41	312	10138½ee
Oct. 28		85	2	12	41	312	10138½f
Oct 28		85	2	13	41	312	10138½ff
Oct 28		85	2	14	41	312	10138½g
Oct 28		85	2	15	41	313	10138½gg
Oct 28		85	2	16	41	313	10138½h
Oct. 28		85	2	17	41	313	10138½hh
Oct. 28		85	2	18	41	313	10138½i
Oct. 28		85	2	19	41	313	10138½ii
Oct. 28		85	2	20	41	313	10138½j
Oct 28		85	2	21	41	314	10138½jj
Oct 28		85	2	22	41	314	10138½k
Oct. 28		85	2	23	41	314	10138½l
Oct 28		85	2	24	41	315	10138½ll
Oct. 28		85	2	25	41	315	10138½m
Oct. 28		85	2	26	41	315	10138½mm
Oct 28		85	2	27	41	316	10138½n
Oct 28		85	2	28	41	316	10138½o
Oct 28		85	2	29	41	316	10138½p
Oct 28		85	2	30	41	317	10138½q
Oct. 28		85	2	31	41	317	10138½r
Oct 28		85	2	32	41	317	10138½s
Oct. 28		85	2	33	41	317	10138½t
Oct. 28		85	2	34	41	317	10138½u
Oct. 28		85	2	35	41	317	10138½v
Oct. 28		85	2	36	41	318	10138½w
Oct. 28		85	2	37	41	318	10138½x
Oct. 28		85	2	38	41	319	10138½y
Oct. 28		85	2	39	41	319	10138½z
Oct. 28		85	3	1	41	319	10138¾
Oct. 28		85	3	2	41	319	10138¾a
Oct. 28		85	3	3	41	319	10138¾b

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Oct 28	85	3	7	41	320	10138¾f
Oct 28	85	3	8	41	320	10138¾g
Oct 28	85	3	9	41	320	10138¾h
Oct 28	85	3	10	41	320	10138¾i
Oct 28	85	3	11	41	321	10138¾j
Oct 28	85	3	12	41	321	10138¾k
Oct 28	85	3	13	41	321	10138¾l
Oct 28	85	3	14	41	321	10138¾m
Oct 28	85	3	15	41	321	10138¾n
Oct. 28	85	3	16	41	322	10138¾o
Oct 28	85	3	17	41	322	10138¾p
Oct 28	85	3	18	41	322	10138¾q
Oct 28	85	3	19	41	322	10138¾r
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Oct 29	89	2	41	324	10418c
Oct 29	89	3	41	325	10418d
Oct 29	89	4	41	325	10418e
Oct 29	89	5	41	325	10418f
Oct. 31	92	—	41	326	4802b
Nov 4	93	1	41	332	9389a
Nov 4	93	1	41	336	756a
Nov. 4	93	1	41	338	1385cc
Nov. 4	93	1	41	338	10564b
Nov 6	95	—	41	350	3951a
Nov. 19	110	1	41	356	5249¹/₄d
Nov. 19	110	2	41	356	5249¹/₄c
Nov 19	116	1	41	359	3115¾f(1)
Nov. 19	116	2	41	359	3115¾f(2)
Nov 19	116	3	41	359	3115¾f(3)
Nov. 19	116	4	41	359	3115¾f(4)
Nov. 19	116	5	41	359	3115¾f(5)
Nov 19	118	—	41	360	6941e
Nov 19	119	—	41	360	7349a
Dec 11	5	[1]	41	366	4491
Dec. 11	5	[2]	41	366	4492
Dec 11	5	[3]	41	366	4493
Dec. 11	5	[4]	41	367	4493a
Dec. 17	6	1	41	367	2165
Dec. 17	6	2	41	367	2165a
Dec 18	11	[8]	41	368	9524
Dec. 18	11	[21]	41	369	9512
Dec. 24	15	1	41	370	6577a
Dec. 24	17	—	41	377	8932w
Dec. 24	18	[25(a)]	41	378	9745a
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Jan. 13	38	—	41	387	9721
Jan. 17	47	1	41	392	4976b
Jan. 17	47	2	41	392	4976c
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Jan. 17	47	4	41	393	4976e
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Jan 17	47	7	41	394	4976h
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Jan. 17	48	—	41	394	1999e
Jan. 21	50	[97]	41	394	1084
Jan. 24	55	1	41	398	1943e
Jan. 27	56	[1]	41	399	9288
Jan. 29	57	—	41	400	1008a
Feb. 7	61	[5]	41	402	5571
Feb. 10	64	—	41	403	3093b
Feb. 14	74	—	41	407	4685a
Feb. 14	75	1	41	409	4205ee
Feb. 14	75	1	41	410	4180b
Feb 14	75	1	41	412	4033a
Feb. 14	75	1	41	414	4021a
Feb. 14	75	1	41	415	4240a
Feb. 14	75	1	41	415	4240b
Feb. 14	75	18	41	426	4234c
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Feb 25	85	2	41	438	4640¼a
Feb 25	85	3	41	439	4640¼aa
Feb. 25	85	4	41	439	4640¼b
Feb 25	85	5	41	439	4640¼bb
Feb 25	85	6	41	439	4640¼c
Feb 25	85	7	41	439	4640¼cc
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Feb 25	85	9	41	440	4640¼dd
Feb 25	85	10	41	440	4640¼e
Feb 25	85	11	41	440	4640¼ee
Feb. 25	85	12	41	441	4640¼f
Feb. 25	85	13	41	441	4640¼ff
Feb 25	85	14	41	442	4640¼g
Feb 25	85	15	41	442	4640¼gg
Feb. 25	85	16	41	443	4640¼h
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Feb. 25	85	19	41	445	4640¼j
Feb. 25	85	20	41	445	4640¼jj
Feb. 25	85	21	41	445	4640¼k
Feb. 25	85	22	41	446	4640¼kk
Feb. 25	85	23	41	447	4640¼l
Feb 25	85	24	41	447	4640¼ll
Feb 25	85	25	41	447	4640¼m
Feb 25	85	26	41	448	4640¼mm
Feb 25	85	27	41	448	4640¼n
Feb 25	85	28	41	449	4640¼nn
Feb 25	85	29	41	449	4640¼o
Feb 25	85	30	41	449	4640¼oo
Feb. 25	85	31	41	450	4640¼p
Feb. 25	85	32	41	450	4640¼pp
Feb. 25	85	33	41	450	4640¼q
Feb 25	85	34	41	450	4640¼qq
Feb. 25	85	35	41	450	4640¼r
Feb. 25	85	36	41	451	4640¼rr
Feb. 25	85	37	41	451	4640¼s
Feb. 25	85	38	41	451	4640¼ss
Feb. 25	86	—	41	451	4750a
Feb. 27	88	—	41	452	8459½a(16)
Feb. 27	89	1	41	452	5249jj
Feb 27	89	2	41	453	5249jjj
Feb 28	91	1	41	456	10071¼
Feb. 28	91	2	41	457	10071¼a
Feb. 28	91	200	41	457	10071¼aa
Feb. 28	91	201	41	458	10071¼aaa
Feb. 28	91	202	41	459	10071¼b
Feb. 28	91	203	41	459	10071¼bb
Feb 28	91	204	41	460	10071¼bbb
Feb 28	91	205	41	461	10071¼c
Feb 28	91	206	41	461	10071¼cc
Feb. 28	91	207	41	462	10071¼ccc
Feb. 28	91	208	41	464	10071¼d
Feb. 28	91	209	41	464	10071¼dd
Feb. 28	91	210	41	468	10071¼ddd
Feb. 28	91	211	41	469	10071¼e
Feb. 28	91	212	—	—	10071¼e(1)
Feb 28	91	300	41	469	10071¼ee
Feb. 28	91	301	41	469	10071¼eee
Feb 28	91	302	41	469	10071¼f
Feb 28	91	303	41	469	10071¼ff
Feb. 28	91	304	41	470	10071¼fff
Feb. 28	91	305	41	470	10071¼g
Feb. 28	91	306	41	470	10071¼gg
Feb 28	91	307	41	470	10071¼ggg
Feb 28	91	308	41	472	10071¼h
Feb 28	91	309	41	472	10071¼hh
Feb 28	91	310	41	472	10071¼hhh
Feb 28	91	311	41	472	10071¼i
Feb. 28	91	312	41	473	10071¼ii
Feb. 28	91	313	41	473	10071¼iii
Feb. 28	91	314	41	473	10071¼j
Feb. 28	91	315	41	473	10071¼jj
Feb. 28	91	316	41	474	10071¼jjj
Feb 28	91	400[1]	41	474	8563
Feb. 28	91	401[1]	41	475	8563
Feb 28	91	402[1]	41	476	8563
Feb 28	91	403[1]	41	479	8563
Feb. 28	91	404[2]	41	479	8564

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Feb 28	91	408[5]	41	482	8567
Feb 28	91	409[6]	41	483	8569
Feb 28	91	410[6]	41	483	8569
Feb. 28	91	411[6]	41	483	8569
Feb 28	91	412[6]	41	483	8569
Feb 28	91	413[6]	41	483	8569
Feb. 28	91	414[10]	41	483	8574
Feb 28	91	415[12]	41	484	8576
Feb 28	91	416[13]	41	484	8581
Feb 28	91	417[14]	41	484	8582
Feb 28	91	418[15]	41	484	8583
Feb 28	91	419[15]	41	487	8583
Feb 28	91	420[15]	41	487	8583
Feb. 28	91	421[15]	41	488	8583
Feb 28	91	422[15a]	41	488	8583a
Feb 28	91	423[16]	41	491	8584
Feb 28	91	424[16]	41	491	8584
Feb. 28	91	425[16]	41	492	8584
Feb 28	91	426[16]	41	492	8584
Feb 28	91	427[16]	41	492	8584
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Feb. 28	91	430[17]	41	492	8586
Feb 28	91	431[17]	41	493	8586
Feb 28	91	432[17]	41	493	8586
Feb 28	91	433[18]	41	493	8587
Feb. 28	91	433[19a]	41	493	8591
Feb. 28	91	434[20]	41	493	8592
Feb. 28	91	435[20]	41	493	8592
Feb. 28	91	436[20]	41	494	8592
Feb 28	91	436[20]	41	494	8604a
Feb 28	91	436[20]	41	494	8604aa
Feb. 28	91	437[20]	41	494	8604a
Feb 28	91	438[20]	41	494	8604a
Feb. 28	91	439[20a]	41	494	8592a
Feb 28	91	440[24]	41	497	8596
Feb 28	91	441[25]	41	497	8596a
Feb. 28	91	441[26]	41	498	8596b
Feb. 28	91	441[27]	41	499	8596c
Feb. 28	91	500	41	499	10071¼k
Feb. 28	91	501	41	499	8835ii
Feb. 28	91	502	41	499	10071¼kk
Mch. 6	94	1	41	506	8459½b(42¾)
Mch. 6	94	1	41	506	8459½b(42⅝)
Mch. 6	94	1	41	507	6923b
Mch. 6	94	1	41	507	9141b
Mch. 6	94	1	41	507	9141c
Mch. 6	94	1	41	512	9483a
Mch. 6	94	1	41	513	9294b
Mch. 6	94	1	41	513	9332a
Mch. 6	94	1	41	520	12a
Mch. 9	95	1	41	525	1251¼
Mch. 9	95	2	41	525	1251¼a
Mch 9	95	3	41	526	1251¼b
Mch. 9	95	4	41	526	1251¼c
Mch. 9	95	5	41	526	1251¼d
Mch. 9	95	6	41	527	1251¼e
Mch 9	95	7	41	527	1251¼f
Mch. 9	95	8	41	527	1251¼g
Mch. 9	95	9	41	527	1251¼h
Mch. 9	95	10	41	528	1251¼i
Mch. 9	95	11	41	528	1251¼j
Mch 9	95	12	41	528	1251¼k
Mch 9	95	13	41	528	1251¼l
Mch 15	100	1	41	530	6941f
Mch. 15	100	2	41	530	6941g
Mch 15	100	3	41	531	6941h
Mch. 15	100	4	41	531	6941i
Mch. 15	100	5	41	531	6941j
Mch. 15	100	6	41	531	6941k
Mch. 17	101	1[98]	41	531	1085
Mch. 19	104	1	41	533	9516a
Mch. 19	104	2	41	534	9516b
Mch. 19	104	3	41	534	9516c
Mch. 19	104	4	41	534	9516d
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Mch. 19	104	7	41	535	9516g
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Mch 30	111	4	41	537	1251½c
Mch 30	111	5	41	537	1251½d
Mch 30	111	6	41	537	1251½e
Mch 30	111	7	41	538	1251½f
Mch 30	111	8	41	538	1251½g
Mch 30	112	—	41	542	2275b
Mch 30	112	—	41	547	2280b
Mch 30	112	—	41	548	2229a
Mch 30	112	—	41	548	2229b
Mch. 30	112	—	41	548	2239
Mch 30	112	—	41	548	2282a
Apr. 1	120	1	41	549	5019a
Apr. 1	120	2	41	549	5019b
Apr 13	128	[14]	41	550	9797
Apr 15	140	—	41	552	9373
Apr. 16	146	—	41	554	1021a
Apr 20	154	1[3]	41	570	9835b
Apr. 20	154	2[10]	41	570	9835ee
Apr. 20	154	3[11]	41	570	9835f
Apr. 20	154	4[12]	41	570	9835ff
Apr. 20	154	5[20]	41	571	9835k
Apr. 20	154	6[21]	41	571	9835l
Apr. 24	161	1	41	574	7548b
Apr. 24	161	1	41	577	7231b
Apr. 24	161	1	41	577	7236a
Apr. 24	161	1	41	578	7259a
Apr. 24	161	1	41	580	7431a
Apr. 24	161	1	41	580	7504b
Apr. 24	161	1	41	580	7523a
Apr. 24	161	1	41	581	7406a
Apr. 24	161	1	41	582	7300a(2)
Apr. 24	161	3	41	583	6941m
Apr 24	161	4	41	583	7418
Apr. 24	161	5	41	583	7345a
May 1	165	1	41	585	8972b
May 1	165	2	41	586	8972c
May 1	165	3	41	586	8972d
May 1	165	4	41	586	8972e
May 1	165	5	41	587	8972f
May 1	165	6	41	587	8972g
May 1	165	7	41	587	8972h
May 1	165	8	41	588	8972i
May 6	168	—	41	588	8514d
May 8	172	—	41	589	3115 ⅛hhh
May 8	172	—	41	590	10071¼bbbb
May 10	174	1	41	593	4289¼b(4)
May 10	174	2	41	594	4289¼b(5)
May 10	174	3	41	594	4289¼b(6)
May 10	175	1	41	594	1867cccc
May 10	175	2	41	594	1867ccccc
May 10	176	1	41	595	6452c
May 10	176	2	41	595	6452d
May 10	177	1	41	595	6452e
May 10	177	2	41	595	6452f
May 10	178	—	41	595	5110b
May 12	182	1	41	597	6452g
May 12	182	2	41	597	6452h
May 18	190	5	41	602	1980aaaa
May 18	190	7	41	603	2748b
May 18	190	8	41	603	8459½a(3¼)
May 18	190	8	41	603	8459½a(3¾)
May 18	190	10	41	603	2862a
May 18	190	11	41	603	8562ee
May 20	192	1	41	605	4702a
May 20	192	2	41	606	4702b
May 20	192	3	41	606	4702c
May 21	194	6	41	613	6854a
May 21	194	7	41	613	6854b
May 22	195	—	—	—	3287½t
May 22	195	—	—	—	3287½tt
May 22	195	—	—	—	3287½u
May 22	195	—	—	—	3287½uu
May 22	195	—	—	—	3287½v
May 22	195	—	—	—	3287½vv
May 22	195	1	41	614	3287½
May 22	195	1	41	614	3287½a
May 22	195	1	41	614	3287½aa
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May 22	195	3	41	615	3287½ff
May 22	195	3	41	616	3287½g
May 22	195	4	41	616	3287½gg
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May 22	195	7	41	617	3287½k
May 22	195	7	41	618	3287½kk
May 22	195	7	41	618	3287½l
May 22	195	8	41	618	3287½ll
May 22	195	8	41	618	3287½m
May 22	195	8	41	618	3287½mm
May 22	195	9	41	618	3287½n
May 22	195	10	41	618	3287½nn
May 22	195	11	41	619	3287½o
May 22	195	12	41	619	3287½oo
May 22	195	13	41	619	3287½p
May 22	195	13	41	619	3287½pp
May 22	195	13	41	620	3287½q
May 22	195	14	41	620	3287½qq
May 22	195	15	41	620	3287½r
May 22	195	15	41	620	3287½rr
May 22	195	16	41	620	3287½s
May 22	195	17	41	620	3287½ss
May 25	196	[217]	41	620	10687
May 25	197	—	41	631	10071a
May 25	200	—	41	623	5110c
May 26	206	[8]	41	626	8835h
May 26	208	—	41	627	9835ww
May 27	209	1	41	627	4749a
May 27	209	2	41	628	4749b
May 27	209	3	41	628	4749c
May 27	209	4	41	628	4749d
May 27	209	5	41	628	4749e
May 27	209	6	41	629	4749f
May 27	209	7	41	629	4749g
May 27	209	8	41	629	4749h
May 29	212	—	41	630	10267a
May 29	214	1	41	642	3275a
May 29	214	1	41	646	6831a
May 29	214	1	41	647	414aa
May 29	214	1	41	650	8459½a(14½)
May 29	214	1	41	650	8459½a(15)
May 29	214	1	41	654	6585a
May 29	214	1	41	655	6585b
May 29	214	1	41	655	6585c
May 29	214	1	41	655	6585d
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May 29	214	1	41	655	6585f
May 29	214	1	41	659	7702a
May 29	214	1	41	665	660a
May 29	214	1	41	677	6836g
May 29	214	7	41	691	6684a
May 29	215	[16]	41	691	9835hh
May 31	217	—	41	699	8697a
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May 31	217	[15]	41	726	8764d
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June 2	218	14	41	734	5207r
June 2	219	1	41	735	8932¼
June 2	219	1	41	735	8932¼a
June 2	219	2	41	735	8932¼b
June 2	219	3	41	736	8932¼c
June 2	219	4	41	736	8932¼d
June 2	219	4	41	736	8932¼e
June 2	219	5	41	736	8932¼f
June 2	219	5	41	737	8932¼g
June 2	219	6	41	737	8932¼h
June 2	219	6	41	737	8932¼i
June 2	219	7	41	737	8932¼j
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June 4	227	1	14[14]	41	769	345a
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June 4	227	1	24[24d]	41	774	1991aaa
June 4	227	1	25[25]	41	775	1997a
June 4	227	1	27[27]	41	775	1891a
June 4	227	1	28[28]	41	775	2144a
June 4	227	1	29[29]	41	775	1894
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June 4	227	1	34[47]	41	777	1881k
June 4	227	1	34[47a]	41	778	1881l
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June 4	227	1	35[55c]	41	780	2289a
June 4	227	1	36[60]	41	780	3044a
June 4	227	1	37[69]	41	781	3044h
June 4	227	1	38[70]	41	781	3044i
June 4	227	1	40[72]	41	781	3044k
June 4	227	1	41[74]	41	781	3044m
June 4	227	1	42[78]	41	782	3044p
June 4	227	1	44[81]	41	782	3074b
June 4	227	1	44[81]	41	782	3074c
June 4	227	1	44[81]	41	782	3074f
June 4	227	1	44[81]	41	782	3074g
June 4	227	1	45[89]	41	783	3062a
June 4	227	1	46[90]	41	783	3062b
June 4	227	1	47[109]	41	783	2123aa
June 4	227	1	47[109]	41	783	3044u
June 4	227	1	48[110]	41	784	3044v
June 4	227	1	49[111]	41	784	3045
June 4	227	1	51 [127a]	41	785	1717b(1)
June 4	227	1	51 [127a]	41	785	1839a
June 4	227	1	51 [127a]	41	785	1860a(2)
June 4	227	1	51 [127a]	41	785	1899aa
June 4	227	1	51 [127a]	41	785	1920a(3)
June 4	227	1	51 [127a]	41	785	1921a
June 4	227	1	51 [127a]	41	785	1921a(1)
June 4	227	1	51 [127a]	41	785	1989a
June 4	227	1	51 [127a]	41	785	2075
June 4	227	1	51 [127a]	41	786	1913a
June 4	227	1	51 [127a]	41	786	1913aa
June 4	227	1	51 [127a]	41	786	1913aaa
June 4	227	1	51 [127a]	41	786	1913b
June 4	227	1	51 [127a]	41	786	1914a
June 4	227	1	51 [127a]	41	786	1920a(2)
June 4	227	1	51 [127a]	41	786	2080a
June 4	227	2	1	41	787	2308a
June 4	227	2	1	41	787	2308a(1)
June 4	227	2	1	41	787	2308a(2)
June 4	227	2	1	41	788	2308a(3)
June 4	227	2	1	41	788	2308a(4)
June 4	227	2	1	41	788	2308a(5)
June 4	227	2	1	41	788	2308a(6)
June 4	227	2	1	41	788	2308a(7)
June 4	227	2	1	41	788	2308a(8)
June 4	227	2	1	41	788	2308a(9)
June 4	227	2	1	41	789	2308a(10)
June 4	227	2	1	41	789	2308a(11)
June 4	227	2	1	41	789	2308a(12)
June 4	227	2	1	41	789	2308a(13)
June 4	227	2	1	41	789	2308a(14)
June 4	227	2	1	41	790	2308a(15)
June 4	227	2	1	41	790	2308a(16)
June 4	227	2	1	41	790	2308a(17)
June 4	227	2	1	41	790	2308a(18)
June 4	227	2	1	41	790	2308a(19)
June 4	227	2	1	41	791	2308a(20)
June 4	227	2	1	41	791	2308a(21)
June 4	227	2	1	41	791	2308a(22)
June 4	227	2	1	41	791	2308a(23)
June 4	227	2	1	41	792	2308a(24)
June 4	227	2	1	41	792	2308a(25)
June 4	227	2	1	41	792	2308a(26)
June 4	227	2	1	41	792	2308a(27)
June 4	227	2	1	41	792	2308a(28)
June 4	227	2	1	41	792	2308a(29)
June 4	227	2	1	41	793	2308a(30)
June 4	227	2	1	41	793	2308a(31)
June 4	227	2	1	41	793	2308a(32)
June 4	227	2	1	41	793	2308a(33)
June 4	227	2	1	41	794	2308a(34)
June 4	227	2	1	41	794	2308a(35)
June 4	227	2	1	41	794	2308a(36)
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June 4	227	2	1	41	795	2308a(40)
June 4	227	2	1	41	795	2308a(41)
June 4	227	2	1	41	795	2308a(42)
June 4	227	2	1	41	795	2308a(43)
June 4	227	2	1	41	796	2308a(44)
June 4	227	2	1	41	796	2308a(45)
June 4	227	2	1	41	796	2308a(46)
June 4	227	2	1	41	796	2308a(47)
June 4	227	2	1	41	796	2308a(48)
June 4	227	2	1	41	797	2308a(49)
June 4	227	2	1	41	797	2308a(50)
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June 4	227	2	1	41	800	2308a(58)
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June 4	227	2	1	41	800	2308a(60)
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June 4	227	2	1	41	801	2308a(62)
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June 4	227	2	1	41	803	2308a(73)
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June 4	227	2	1	41	803	2308a(76)
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June 4	227	2	1	41	809	2308a(110)
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June 4	227	2	1	41	810	2308a(113)
June 4	227	2	1	41	810	2308a(114)
June 4	227	2	1	41	810	2308a(115)
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June 4	227	2	1	41	811	2308a(117)
June 4	227	2	1	41	811	2308a(118)
June 4	227	2	1	41	811	2308a(119)
June 4	227	2	1	41	811	2308a(120)
June 4	227	2	1	41	811	2308a(121)
June 4	227	2	2	41	812	2308b
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June 4	228	3	41	835	2483oo
June 4	228	3	41	835	2817a
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June 4	228	4	41	835	2483q
June 4	228	4	41	835	2483qq
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June 4	228	5	41	836	2697hhhh
June 4	228	5	41	836	2697hhhhh
June 4	228	6	41	836	2165b
June 4	228	7	41	836	2570a
June 4	228	7	41	836	2577aaa
June 4	228	8	41	836	1949d
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June 5	234	1	41	865	3369g
June 5	234	1	41	865	9426a
June 5	234	1	41	869	3369h
June 5	234	7	41	873	3369i
June 5	235	1	41	875	9172a
June 5	235	1	41	879	8459½a(2a)
June 5	235	1	41	879	8459½a(17)
June 5	235	1	41	880	8459½a(18)
June 5	235	1	41	880	8459½a(19)
June 5	235	1	41	883	9136a
June 5	235	1	41	884	9195
June 5	235	1	41	886	3115eee
June 5	235	1	41	886	8675a
June 5	235	1	41	888	9188¼(gg)
June 5	235	1	41	898	3353a
June 5	235	1	41	901	9120a
June 5	235	1	41	903	9290a
June 5	235	1	41	905	9264b
June 5	235	1	41	908	712a
June 5	235	1	41	908	4522a
June 5	235	1	41	910	776a
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June 5	235	1	41	913	3369ee(1)
June 5	235	1	41	915	4750b
June 5	235	1	41	917	787h
June 5	235	1	41	917	5093a
June 5	235	1	41	918	5258a
June 5	235	1	41	920	9293a
June 5	235	1	41	927	8439c
June 5	235	1	41	929	8561aaa
June 5	235	1	41	930	8562h
June 5	235	1	41	936	4283a
June 5	235	3	41	945	6684b
June 5	235	5[210]	41	946	10071¼ddd
June 5	235	5	41	947	10071¼dddd
June 5	235	7	41	947	6885b
June 5	240	—	41	949	6941p
June 5	240	—	41	954	1860a(3)
June 5	240	—	41	960	1978b
June 5	240	—	41	962	1950a
June 5	240	—	41	963	9212n
June 5	240	—	41	966	3070bb
June 5	240	—	41	967	1881kk
June 5	240	—	41	967	6832a
June 5	240	—	41	973	1943mm
June 5	240	—	41	973	3063aaa
June 5	240	—	41	975	2136d
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June 5	240	—	41	977	1758aaa
June 5	241	[9]	41	977	3115½e
June 5	243	[3]	41	981	4289¼b
June 5	245	1	41	982	8985c
June 5	245	1	41	982	8985d
June 5	245	1	41	982	8985e
June 5	245	1	41	982	8985f
June 5	245	1	41	982	8985g
June 5	245	2	41	982	8985h
June 5	245	3	41	982	8963a
June 5	247	1	41	986	5277b
June 5	247	2	41	986	5277c
June 5	247	3	41	986	5277d
June 5	247	4	41	986	5277e
June 5	247	5	41	986	5277f
June 5	248	1	41	987	967½
June 5	248	2	41	987	967½a
June 5	248	3	41	987	967½b
June 5	248	4	41	987	967½c
June 5	248	5	41	987	967½d
June 5	249	—	41	987	4694aaa
June 5	250	1	41	988	8146¼
June 5	250	2	41	988	8146¼a
June 5	250	3[3]	41	989	8146b
June 5	250	3[4]	41	990	8146bb
June 5	250	4	41	990	8146¼aa
June 5	250	5	41	990	8146¼aaa
June 5	250	6	41	991	8146¼b
June 5	250	7	41	991	8146¼bb
June 5	250	7	41	991	8146¼bbb
June 5	250	7	41	991	8146¼c
June 5	250	7	41	991	8146¼cc
June 5	250	7	41	992	8146¼ccc
June 5	250	7	41	992	8146¼d
June 5	250	8	41	992	8146¼dd
June 5	250	9	41	992	8146¼ddd
June 5	250	10	41	992	8146¼e
June 5	250	11	41	993	8146¼ee
June 5	250	12	41	993	8146¼eee
June 5	250	13	41	993	8146¼f
June 5	250	14	41	993	8146¼ff
June 5	250	15	41	993	8146ddd
June 5	250	16	41	994	8146¼fff
June 5	250	17	41	994	8146¼g
June 5	250	18[9]	41	994	8146e
June 5	250	19	41	995	8146¼gg
June 5	250	20[14]	41	996	8146gg
June 5	250	20[14a]	41	996	8146ggg
June 5	250	21	41	997	8146¼ggg
June 5	250	22	41	997	7709aaa
June 5	250	22	41	997	7709aaaa
June 5	250	23	41	997	8146¼h
June 5	250	23	41	998	8146¼hh
June 5	250	24	41	998	8146¼hhh
June 5	250	25	41	998	8146¼i
June 5	250	26	41	998	8146¼ii
June 5	250	27	41	999	8146¼iii
June 5	250	28	41	999	8146¼j
June 5	250	29	41	1000	8146¼jj
June 5	250	30A	41	1000	8146¼jjj
June 5	250	30B	41	1000	8146¼k
June 5	250	30C	41	1000	8146¼kk
June 5	250	30D	41	1000	8146¼kkk
June 5	250	30E	41	1001	8146¼l
June 5	250	30F	41	1002	8146¼ll
June 5	250	30G	41	1002	8146¼lll
June 5	250	30H	41	1002	8146¼m
June 5	250	30I	41	1002	8146¼mm
June 5	250	30J	41	1003	8146¼mmm
June 5	250	30K	41	1003	8146¼n
June 5	250	30L	41	1004	8146¼nn
June 5	250	30M	41	1004	8146¼nnn
June 5	250	30N	41	1004	8146¼o
June 5	250	30O	41	1004	8146¼oo
June 5	250	30P	41	1005	8146¼ooo
June 5	250	30Q	41	1005	8146¼p
June 5	250	30R	41	1005	8146¼pp
June 5	250	30S	41	1005	8146¼ppp
June 5	250	30T	41	1006	8146¼q
June 5	250	30U	41	1006	8146¼qq
June 5	250	30V	41	1006	8146¼qqq
June 5	250	30W	41	1006	8146¼r
June 5	250	30X	41	1006	8146¼rr
June 5	250	31	41	1006	8322
June 5	250	32[10]	41	1006	8323
June 5	250	33[30]	41	1007	8337a
June 5	250	34	41	1007	8146¼rrr
June 5	250	35	41	1007	8146¼s
June 5	250	36	41	1007	8146¼ss
June 5	250	37	41	1008	8146¼sss
June 5	250	38[2]	41	1008	8146a.a
June 5	250	39	41	1008	8146¼t
June 5	251	[1]	41	1008	4289¼b(1)
June 5	252	2	41	1010	9871a
June 5	252	5	41	1014	9886bb
June 5	252	6	41	1014	9908b
June 5	252	8	41	1015	6941n
June 5	252	9[4]	41	1015	9899
June 5	253	1	41	1017	3330b
June 5	253	1	41	1025	9212m
June 5	253	1	41	1026	1978c
June 5	253	1	41	1028	655c
June 5	253	1	41	1029	2887aa
June 5	253	1	41	1031	7430d
June 5	253	1	41	1035	3385a
June 5	253	1	41	1036	6836i
June 5	253	1	41	1036	6836j
June 5	253	1	41	1037	606a
June 5	253	1	41	1037	7173aaaa
June 5	254	—	41	1050	7509ll
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June 5	254	—	41	1052	7548a
June 5	256	—	41	1054	8562hh
June 5	261	—	41	1056	2813ccc
June 5	263	1	41	1057	4434e
June 5	263	2	41	1057	4434f
June 5	263	3	41	1057	4434g
June 5	264	1	41	1058	8459aa
June 5	264	2	41	1059	896a
June 5	265	—	41	1059	5046c
June 5	266	1	41	1059	9991a
June 5	266	2	41	1060	9991b
June 5	267	[7]	41	1060	9212h
June 5	268	[245]	41	1060	10415
June 10	285	1	41	1063	9992¼
June 10	285	2	41	1063	9992¼a
June 10	285	2	41	1063	9992¼aa
June 10	285	2	41	1063	9992¼b
June 10	285	3	41	1063	9992¼bb
June 10	285	4	41	1065	9992¼c
June 10	285	5	41	1067	9992¼cc
June 10	285	6	41	1067	9992¼d
June 10	285	7	41	1067	9992¼dd
June 10	285	7	41	1067	9992¼e
June 10	285	7	41	1068	9992¼ee
June 10	285	8	41	1068	9992¼f
June 10	285	9	41	1068	9992¼ff
June 10	285	10	41	1068	9992¼g
June 10	285	11	41	1070	9992¼gg
June 10	285	12	41	1070	9992¼h
June 10	285	13	41	1071	9992¼hh
June 10	285	14	41	1071	9992¼i
June 10	285	15	41	1072	9992¼ii
June 10	285	16	41	1072	9992¼j
June 10	285	17	41	1072	9992¼jj
June 10	285	18	41	1073	9992¼k
June 10	285	19	41	1073	9992¼kk
June 10	285	20	41	1073	9992¼l
June 10	285	21	41	1074	9992¼ll
June 10	285	22	41	1074	9992¼m
June 10	285	23	41	1075	9992¼mm
June 10	285	23	41	1075	9992¼n
June 10	285	24	41	1075	9992¼nn
June 10	285	25	41	1076	9992¼o
June 10	285	26	41	1076	9992¼oo
June 10	285	27	41	1077	9992¼p
June 10	285	28	41	1077	9992¼pp
June 10	285	29	41	1077	9992¼q
June 10	285	30	41	1077	9992¼qq

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Dec 22	3	4	41	1082	8146v
Dec 22	3	5	41	1082	8146vv
Dec 26	4	—	41	1082	4289¼sss
Dec 31	8	—	41	1084	4620h
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Jan 6	10	—	41	1085	4687
Jan 6	13	[8]	41	1086	4680
Jan 11	22	—	41	1088	4992a
Jan 26	27	1	41	1089	4525a
Jan 26	27	2	41	1089	4525b
Jan 26	27	3	41	1090	4525c
Feb 3	34	1[3]	41	1096	3803aa
Feb. 3	34	2[3]	41	1096	3803aaa
Feb 11	46	[1]	41	1099	1385a
Feb. 16	62	1	41	1105	9855e
Feb 16	62	2	41	1105	9855f
Feb. 22	70	1	41	1117	3351a
Feb 22	70	7	41	1144	6647e
Feb 25	71	1	41	1145	9855g
Feb 25	71	2	41	1145	9855h
Feb 26	72	[212]	41	1145	10071½e(1)
Feb 27	73	[35(a)]	41	1145	9745a
Feb 27	74	[74]	41	1146	1059
Feb. 27	75	[11]	41	1146	9794
Feb. 27	76	[9]	41	1147	3115½e
Feb. 27	78	[1]	41	1148	9835bb
Feb. 27	80	[2]	41	1149	9157
Mch 1	88	1	41	1151	7195a
Mch 1	88	1	41	1152	7430aa
Mch 1	88	1	41	1154	7264a
Mch 1	88	2	41	1155	6941kk
Mch. 1	89	1	41	1169	6760a
Mch. 1	89	1	41	1170	6760b
Mch 1	89	1	41	1175	543a
Mch. 1	89	1	41	1181	117a
Mch 1	90	—	41	1193	4538a
Mch. 1	93	—	41	1194	4937a
Mch. 1	100	—	41	1199	9684
Mch 1	102	1	41	1202	4532f
Mch. 1	102	2	—	—	4684g
Mch 2	110	[4]	41	1203	3564
Mch 2	113	1	41	1210	6795a
Mch. 2	113	1	41	1214	7683½
Mch 2	113	1	41	1214	7683½a
Mch 2	113	1	41	1214	7683½b
Mch 2	113	1	41	1214	7683½c
Mch. 2	113	1	41	1217	7628hh
Mch. 3	119	1[26]	41	1231	4221ss
Mch. 3	119	1	41	1232	4203a
Mch. 3	124	1	41	1271	513b
Mch 3	124	1	41	1279	1728a
Mch 3	124	1	41	1291	3370a
Mch. 3	124	1	41	1295	7265aa
Mch. 3	124	1	41	1297	920a
Mch. 3	124	1	41	1303	6784a
Mch. 3	124	5	41	1308	252a
Mch. 3	126	1	41	1313	9431a
Mch. 3	126	2	41	1314	9431b
Mch. 3	126	3	41	1314	9431c
Mch. 3	126	4	41	1314	9431d
Mch. 3	126	5	41	1314	9431e
Mch. 3	126	6	41	1314	9431f
Mch 3	126	7	41	1314	9431g
Mch. 3	126	8	41	1315	9431h
Mch. 3	127	—	41	1343	795a(1)
Mch. 3	127	—	41	1347	839g
Mch. 3	128	1	41	1349	7477kk
Mch. 3	128	7	41	1352	3091a
Mch 3	129	—	41	1353	9992¼c(1)
Mch. 3	131	1	41	1354	7701a
Mch. 4	151	[20]	41	1362	9835k
Mch. 4	152	[3]	41	1363	5078c
Mch. 4	153	1	41	1363	6452i
Mch. 4	153	2	41	1363	6452j
Mch. 4	156	—	41	1364	9212p
Mch. 4	161	1	41	1374	378a
Mch. 4	161	1	41	1378	9149c
Mch. 4	161	1	41	1382	8146ttt
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Mch 4	161	1	41	1404	4750c
Mch 4	161	1	41	1404	4750d
Mch 4	161	1	41	1407	5251a
Mch 4	161	1	41	1410	513a
Mch 4	161	1	41	1412	1385aa
Mch 4	161	1	41	1413	1385j
Mch 4	161	1	41	1414	10562a
Mch 4	161	1	41	1416	8449a
Mch 4	161	1	41	1417	8455a(1)
Mch 4	161	1	41	1424	3231b
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Mch 4	161	1	41	1432	10054d
Mch 4	163	[1]	41	1436	6403
Mch 4	163	[2]	41	1437	6403(1)
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Mch 4	166	1	41	1438	335f
Mch 4	166	2	41	1438	335g
Mch 4	166	3	41	1439	335h
Mch 4	169	1	41	1440	9378a
Mch 4	169	2	41	1440	9378b
Mch 4	169	3	41	1440	9378c
Mch 4	169	4	41	1440	9378d
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May 19	8	2	42	5	4289½a
May 19	8	3	42	6	4289½b
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May 19	8	5	42	7	4289½d
May 19	8	6	—	—	4289½dd
May 20	9	—	42	7	4750e
May 27	12	1	42	8	10099a
May 27	12	2	42	8	10099b
May 27	12	3	42	8	10099c
May 27	12	4	42	8	10099d
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May 27	14	II	206	42	13	5326½e
May 27	14	II	207	42	14	5326½f
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June 10	18	II	201	42	20	400½aa
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June 10	18	II	203	42	21	400½bb
June 10	18	II	204	42	21	400½c
June 10	18	II	205	42	21	400½cc
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June 10	18	II	214	42	23	400½h
June 10	18	II	215	42	23	400½hh
June 10	18	II	216	42	23	400½i
June 10	18	II	217	42	23	400½ii
June 10	18	III	301	42	23	400⅓
June 10	18	III	302	42	23	400⅓a
June 10	18	III	303	42	23	400⅓aa
June 10	18	III	304	42	24	400⅓b
June 10	18	III	304	42	24	400⅓bb
June 10	18	III	305	42	24	368
June 10	18	III	306	42	24	400⅓c
June 10	18	III	307	42	25	400⅓d
June 10	18	III	308	42	25	400⅓dd
June 10	18	III	309	42	25	400⅓e
June 10	18	III	310	42	25	400⅓ee
June 10	18	III	311	42	25	400⅓f
June 10	18	III	312	42	25	400⅓ff
June 10	18	III	313	42	26	400⅓g
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June 16	23	1	42	38	9167a
June 16	23	1	42	41	1404b
June 16	23	1	42	41	1412a
June 16	23	4	42	63	583b
June 16	23	4	42	63	90Sb
June 25	29	1	42	66	96Sk
June 25	29	2	42	67	96Sl
June 25	30	1	42	67	968m
June 25	30	2	42	67	96Sn
June 30	33	1	42	73	1881a(1½)
June 30	33	1	42	74	1891bbbbb
June 30	33	1	42	75	1980aaa
June 30	33	1	42	77	2267a
June 30	33	1	42	78	6778b
June 30	33	1	42	81	1976a
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June 30	33	1	42	82	1949cc
June 30	33	1	42	82	2178a
June 30	33	1	42	90	3602b
June 30	33	1	42	95	2266b
June 30	33	1	42	97	2275bb
June 30	33	1	42	97	2275cc
June 30	34	1	42	103	1978d
June 30	34	2	42	103	1978e
June 30	34	3	42	103	1978f
July 1	39	[32]	42	105	9835w
July 9	42	1	42	108	3737¼
July 9	42	2	42	108	3737¼a
July 9	42	201	42	108	3737¼aa
July 9	42	202	42	109	3737¼b
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July 9	42	205	42	110	3737¼cc
July 9	42	206	42	110	3737¼d
July 9	42	207	42	110	3737¼dd
July 9	42	208	42	111	3737¼e
July 9	42	209	42	111	3737¼ee
July 9	42	210	42	111	3737¼f
July 9	42	211	42	112	3737¼ff
July 9	42	212	42	112	3737¼g
July 9	42	213	42	112	3737¼gg
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July 9	42	301[26]	42	115	3668
July 9	42	302[55]	42	116	3697
July 9	42	303[66]	42	116	3707
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July 12	44	1	42	123	3924¼bb
July 12	44	1	42	123	3924½cc
July 12	44	1	42	128	6753b
July 12	44	1	42	128	6753c
July 12	44	1	42	131	2740a
July 12	44	1	42	132	2811a
July 12	44	1	42	133	2804hh
July 12	44	1	42	136	2937a
July 12	44	2	42	139	2861a
July 12	44	3	42	139	6753a
July 12	44	5	42	139	2804oe
July 12	44	6[2]	42	140	2626a
July 12	44	8	42	140	642c
July 12	44	8	42	140	642d
July 12	44	8	42	140	642e
July 12	44	8	42	140	642f
July 12	44	8	42	140	642g
July 12	44	8	42	141	2952½bb
July 21	50	2	42	144	7236aa(7)
July 21	51	[11]	42	145	3812b
July 21	51	—	42	146	3897a
July 21	51	—	42	146	3897b
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Aug 15	64	II	203	42	161	8716¼bb
Aug. 15	64	II	204	42	162	8716¼c
Aug. 15	64	II	205	42	163	8716¼cc
Aug. 15	64	III	301	42	163	8716¼d
Aug. 15	64	III	302	42	163	8716¼e
Aug. 15	64	III	303	42	163	8716¼f
Aug. 15	64	III	304	42	164	8716¼g
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Aug. 15	64	III	309	42	165	8716¼l
Aug. 15	64	III	310	42	166	8716¼m
Aug. 15	64	III	311	42	167	8716¼n
Aug. 15	64	III	312	42	167	8716¼o
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Aug. 15	64	III	316	42	168	8716¼r
Aug. 15	64	IV	401	42	168	8716¼s
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Aug. 15	64	IV	405	42	168	8716¼w
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Aug 24	80	3[23]	42	182	3115⅝k(3)
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Aug 24	80	4[21]	42	183	3115⅝k(1)
Aug 24	80	5[12]	42	183	3115⅝g
Aug. 24	80	5	42	184	3115⅝g(1)
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Aug 24	80	7[15]	42	184	3115⅝hh
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Oct. 14	107	—	42	205	6178
Oct 28	114	1	42	208	4469a
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Nov 2	115	—	42	208	723a
Nov. 9	119	1	42	212	7477¼
Nov. 9	119	2	42	212	7477¼a
Nov. 9	119	3	42	212	7477¼b
Nov 9	119	4	42	213	7477¼c
Nov 9	119	5	42	213	7477¼d
Nov. 9	119	6	42	213	7477¼e
Nov. 9	119	7	42	214	7477¼f
Nov. 9	119	8	42	214	7477¼g
Nov 9	119	9	42	214	7477¼h
Nov 9	119	10	42	214	7477¼i
Nov. 9	119	11	42	214	7477¼j
Nov. 9	119	12	42	215	7477¼k
Nov 9	119	13	42	215	7477¼l
Nov. 9	119	14	42	215	7477¼m
Nov 9	119	15	42	216	7477¼n
Nov. 9	119	16	42	216	7477¼o
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Nov. 9	119	20	42	216	7477¼s
Nov. 9	119	21	42	217	7477¼t
Nov. 9	119	22	42	217	7477¼u
Nov. 9	119	23	42	218	7477¼v
Nov 9	119	25	42	219	7477¼x
Nov. 9	119	26	42	219	7477¼y
Nov. 17	124	1	42	220	1708
Nov. 18	128	[2]	42	221	3503b
Nov. 19	132	1	42	221	5200a
Nov. 19	132	2	42	221	5200b
Nov. 23	134	1	42	222	10138⅛
Nov. 23	134	2	42	222	10138⅛aaa
Nov. 23	134	2	42	222	10138⅛bbb
Nov. 23	134	2	42	222	10138⅛ccc
Nov 23	134	3	42	223	10138⅛a
Nov. 23	134	4	42	223	10138⅛b
Nov. 23	134	5	42	223	10138⅛c
Nov. 23	134	5	42	223	10138⅛d
Nov. 23	134	5	42	223	10138⅛e
Nov. 23	134	6	42	223	10184a
Nov. 23	134	6	42	224	10196a
Nov. 23	135	1	42	224	9188½
Nov. 23	135	2	42	224	9188½a
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Nov. 23	135	4	42	225	9188½c
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Nov. 23	135	7	42	225	9188½f
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Nov. 23	135	13	42	226	9188½l
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Nov. 23	136	1	42	227	6371 ⅛
Nov. 23	136	2	42	227	6371⅛a
Nov. 23	136	300	42	271	6336⅞oa
Nov. 23	136	301	42	272	6336⅞oaa
Nov. 23	136	302	42	272	6336⅞ob
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Nov. 23	136	312	42	273	6336⅞od
Nov 23	136	320	42	273	6336⅞oe
Nov 23	136	325	42	273	6336⅞of
Nov. 23	136	326	42	274	6336⅞og
Nov 23	136	327	42	275	6336⅞oh
Nov 23	136	328	42	275	6336⅞oi
Nov. 23	136	331	42	276	6336⅞oj
Nov. 23	136	335	42	276	6336⅞ok
Nov 23	136	336	42	276	6336⅞ol
Nov. 23	136	337	42	277	6336⅞om
Nov 23	136	338	42	277	6336⅞on
Nov 23	136	500	42	284	6309½a
Nov 23	136	600 [600(a)]	42	285	5986e
Nov. 23	136	601[605]	42	285	5986k
Nov. 23	136	701(b)	42	287	6169
Nov 23	136	704	42	288	6168
Nov. 23	136	906	42	293	6309 ½e
Nov. 23	136	1005[1]	42	298	6287g
Nov 23	136	1006[6]	42	300	6287i
Nov. 23	136	1300	42	308	6371⅛b
Nov 23	136	1301	42	308	6371⅛bb
Nov. 23	136	1302	42	309	6371⅛c
Nov. 23	136	1303	42	309	6371⅛cc
Nov 23	136	1304	42	309	6371⅛d
Nov. 23	136	1305	42	310	6371⅛dd
Nov. 23	136	1306	42	310	6371⅛e
Nov 23	136	1310(a)	42	310	6371⅛f
Nov. 23	136	1310(b)	42	310	6371⅛f
Nov. 23	136	1310(c)	42	311	991(20a)
Nov. 23	136	1311	42	311	5884
Nov. 23	136	1311	42	311	5885
Nov. 23	136	1311	42	311	5887
Nov. 23	136	1311	42	311	5895
Nov. 23	136	1311	42	312	5896
Nov. 23	136	1311	42	313	5899
Nov. 23	136	1315	42	314	5944
Nov. 23	136	1316	42	314	5951
Nov 23	136	1317	42	314	6799a
Nov. 23	136	1318	42	315	5949
Nov. 23	136	1321(a) [1]	42	315	1711
Nov. 23	136	1324(b) [177]	42	316	1168
Nov. 23	136	1327	42	317	6371⅛g
Nov. 23	136	1330	42	319	6097
Nov. 23	136	1331	42	319	6371⅛h
Nov. 23	136	1332	42	319	6371⅛i
Nov. 23	136	1400	42	320	6371⅛j
Nov. 23	136	1401[18]	42	321	6829iii
Nov. 23	136	1402[6]	42	321	6820i
Nov 23	136	1403	42	321	6371⅛k
Nov. 23	136	1404	42	321	6371⅛l
Nov. 23	137	[5]	42	322	3115¼/₁₈e
Nov. 23	142	1	42	323	1592
Nov. 23	142	2	42	324	1592a
Dec. 15	1	1	42	328	8676a
Dec. 15	3	[2]	42	348	4684g
Dec 21	13	[9]	42	351	3115½e
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Jan. 7	22	[17]	42	354	9601
Jan 11	27	—	42	356	6902a
Jan 11	28	—	42	356	4640¼fff
Jan. 27	33	—	42	359	4780
Jan. 31	42	1	42	360	3729a
Jan. 31	42	2	42	360	3729aa
Feb. 2	45	—	42	362	6452k
Feb 2	45	—	42	362	6452l
Feb. 9	47	1	42	363	7706m
Feb. 9	47	2	42	363	7706n
Feb. 9	47	3	42	363	7706o
Feb. 9	47	4	42	363	7706p
Feb 9	47	5	42	363	7706q
Feb 14	51	1[11]	42	364	3287½o
Feb. 14	51	2[13]	42	365	3287½p
Feb. 14	51	2[13]	42	365	3287½pp
Feb. 14	51	2[13]	42	365	3287½q
Feb. 17	54	[237]	42	366	1214
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Feb 17	55	—	42	387	6937a
Feb 17	55	—	42	388	3331b
Feb 17	55	—	42	388	6778aa
Feb 18	57	1	42	388	8716½
Feb 18	57	2	42	388	8716½a
Feb 18	58	1	42	389	737
Feb 18	58	2	42	389	609
Feb 18	58	3	42	390	750
Feb 18	58	4[73]	42	391	7093
Feb 18	58	5	42	391	9427
Feb. 18	58	6	42	391	9444
Feb 18	58	7	42	391	9451
Feb 18	58	8	42	392	9467
Feb 18	58	9	42	393	9482
Feb 24	70	1[206]	42	393	10071¼cc
Feb 24	70	2[206]	42	394	10071¼cc
Feb 25	77	—	42	397	2329b
Feb 27	83	[8]	42	398	4993
Feb 27	83	[113]	42	398	1104
Mch 1	90	[90]	42	401	3062b
Mch 8	94	—	42	414	4917a
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Mch 8	96	1	42	415	5078s
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Mch 8	99	[1]	42	418	2178a
Mch 20	103	—	42	423	58
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Mch 20	103	—	42	430	3331c
Mch. 20	103	—	42	431	6836h
Mch. 20	104	1	42	444	8146fff
Mch 20	105	1	42	465	5134c
Mch. 20	105	2	—	—	5134d
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Mch. 28	117	I	42	484	907a
Mch. 28	117	II	42	486	955a
Mch. 28	117	II	42	487	960a
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Apr 6	122	1	42	491	4593aa
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Apr. 7	125	[1]	42	492	4532f
Apr 7	127	—	42	493	1943hh
Apr. 20	134	1	42	496	9212q
Apr. 20	134	2	42	496	9212qq
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Apr 20	134	4	42	497	9212rr
Apr. 21	135	—	42	497	6619aa
Apr. 26	146	—	42	500	1385bb
Apr. 28	153	1	42	501	908c
Apr. 28	153	2	42	501	908d
May 1	173	[87]	42	503	1072
May 3	177	1	42	505	9107a
May 11	184	—	42	507	9212rrr
May 11	185	—	42	508	813a
May 11	185	—	42	509	845a
May 11	185	—	42	511	8706b
May 11	185	—	42	517	820a
May 11	185	—	42	519	5138
May 11	185	—	42	520	5138aa
May 11	185	—	42	521	5150b
May 11	185	—	42	521	5150c
May 11	185	—	42	528	839a
May 11	185	—	42	529	832bb
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May 11	186	2	42	540	7404b
May 15	190	1	42	541	4748a
May 15	190	2	42	542	4748b
May 15	190	3	42	542	4748c
May 15	190	3	42	542	9855fff
May 24	198	1	42	552	9855i
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May 24	199	—	42	554	680b
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May 24	199	—	42	555	697b
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May 24	199	—	42	557	4480a
May 24	199	—	42	557	4515bb
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May 24	199	—	42	562	4025
May 24	199	—	42	562	4171b
May 24	199	—	42	563	4032a
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May 24	199	—	42	588	9139a
May 24	199	—	42	589	783a
May 24	199	—	42	590	5251b
May 24	199	—	42	590	5281a
May 24	199	—	42	594	3696a
May 26	202	1[1]	42	596	8800
May 26	202	1[2]	42	596	8801
May 26	202	2[5]	42	597	8801c
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June 1	204	1	42	602	3146a
June 1	204	1	42	604	3198b
June 1	204	1	42	606	7683
June 1	204	1	42	607	7683a
June 1	204	1	42	609	7692b
June 1	204	2	42	613	543a
June 1	204	2	42	613	543b
June 1	204	2	42	614	1197a
June 1	204	2	42	614	1451a
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June 1	204	2	42	615	3730aa
June 1	204	2	42	616	1409aa
June 1	204	2	42	616	1409b
June 1	204	2	42	616	1420a
June 1	204	2	42	616	1420aa
June 1	204	2	42	616	3727a
June 1	204	2	42	616	3730a
June 1	204	2	42	617	972a
June 1	204	2	42	617	1340a
June 1	204	2	42	620	10564a

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June 10	212	1	42	625	2815a
June 10	212	1	42	625	8459½a(3a)
June 10	212	1	42	625	8562ee(1)
June 10	212	1	42	625	9129a
June 10	212	2	42	627	2089a(2)
June 10	212	2	42	627	2815a(1)
June 10	212	2	42	627	8459½a(3b)
June 10	212	2	42	627	8562ee(2)
June 10	212	2	42	627	9129a(1)
June 10	212	3	42	627	2089a(3)
June 10	212	3	42	627	2815a(2)
June 10	212	3	42	627	8459½a(3c)
June 10	212	3	42	627	8562ee(3)
June 10	212	3	42	627	9129a(2)
June 10	212	4	42	627	2089a(4)
June 10	212	4	42	627	2815a(3)
June 10	212	4	42	627	8459½a(3d)
June 10	212	4	42	627	8562ee(4)
June 10	212	4	42	627	9129a(3)
June 10	212	5	42	628	2089a(5)
June 10	212	5	42	628	2815a(4)
June 10	212	5	42	628	8459½a(3e)
June 10	212	5	42	628	8562ee(5)
June 10	212	5	42	628	9129a(4)
June 10	212	6	42	628	2089a(6)
June 10	212	6	42	628	2815a(5)
June 10	212	6	42	628	8459½a(3f)
June 10	212	6	42	628	8562ee(6)
June 10	212	6	42	628	9129a(5)
June 10	212	7	42	628	2089a(7)
June 10	212	7	42	628	2815a(6)
June 10	212	7	42	628	8459½a(3g)
June 10	212	7	42	628	8562ee(7)
June 10	212	7	42	628	9129a(6)
June 10	212	8	42	629	2089a(8)
June 10	212	8	42	629	2815a(7)
June 10	212	8	42	629	9129a(7)
June 10	212	9	42	629	2089a(9)
June 10	212	9	42	629	2815a(8)
June 10	212	10	42	630	2089a(9a)
June 10	212	10	42	630	2815a(9)
June 10	212	10	42	630	2815a(10)
June 10	212	10	42	630	2815a(11)
June 10	212	10	—	—	2815a(11a)
June 10	212	10	—	—	2815a(11b)
June 10	212	10	—	—	8459½a(3ij)
June 10	212	10	—	—	8562ee(7a)
June 10	212	10	—	—	9129a(7a)
June 10	212	10	42	630	8459½a(3h)
June 10	212	10	42	630	8459½a(3i)
June 10	212	10	42	630	8459½a(3j)
June 10	212	11	42	630	2089a(10)
June 10	212	11	42	630	2815a(12)
June 10	212	11	42	630	8459½a(3k)
June 10	212	12	42	631	2089a(11)
June 10	212	12	42	631	2089a(12)
June 10	212	12	42	631	2815a(13)
June 10	212	12	42	631	2815a(14)
June 10	212	12	42	631	8459½a(3l)
June 10	212	12	42	631	8459½a(3m)
June 10	212	12	42	631	8562ee(8)
June 10	212	12	42	631	8562ee(9)
June 10	212	12	42	631	9129a(8)
June 10	212	12	42	631	9129a(9)
June 10	212	13	42	631	2089a(13)
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June 10	212	15	42	632	2089a(14)
June 10	212	15	42	632	2815a(16)
June 10	212	15	42	632	8459½a(3n)
June 10	212	15	42	632	8562ee(10)
June 10	212	15	42	632	9129a(10)
June 10	212	16	42	632	2089a(15)
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June 10	212	16	42	632	8562ee(11)
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June 10	212	18	42	632	2089a(17)
June 10	212	18	42	632	2815a(19)
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June 10	212	21	42	633	9129a(13)
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June 10	212	22	42	633	9129a(14)
June 10	215	3[5]	42	634	3115½g(1)
June 10	215	3[15]	42	634	3115½hh
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June 10	216	2[250]	42	635	1233
June 12	218	—	42	636	229
June 12	218	—	42	637	3274a
June 12	218	—	42	638	6836f
June 12	218	—	42	641	3115½i
June 12	218	—	42	648	8146bbb
June 13	219	[20]	42	650	8972jj
June 15	220	—	42	650	4824c
June 17	222	[3]	42	651	3287½eeee
June 19	227	1	42	654	609b
June 19	227	1	42	655	582a
June 19	227	1	42	655	609d
June 19	227	1	42	655	609e
June 19	227	1	42	655	7517aa
June 19	227	1	42	656	7285a
June 19	227	1	42	659	609c
June 19	227	3	42	660	7241
June 19	227	4 par 3	42	660	7477cc
June 19	227	4 par. 4 [5]	42	660	7477ff
June 19	227	4 par 6	42	661	7477¼ww
June 19	227	4 par 7	42	661	7477ccc
June 19	227	4 par 8	42	661	7477cccc
June 19	227	5	42	661	7429a
June 27	246	[1]	42	666	1626
June 27	247	[70]	42	667	1052
June 29	249	1	42	676	3369f
June 29	249	1	42	689	3369o
June 29	249	1	42	693	6941o
June 29	249	1	42	697	6836bb
June 29	249	1	42	709	3311a
June 29	251	1	42	715	134b
June 29	251	1	42	715	134c
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June 30	253	1	42	721	1717b(1a)
June 30	253	1	42	721	1717b(1b)
June 30	253	1	42	722	1717b(1c)
June 30	253	1	42	722	1717b(1d)
June 30	253	1	42	722	1895a
June 30	253	1	42	723	1717b(1e)
June 30	253	1	42	723	1717b(1f)
June 30	253	1	42	723	1717b(1g)
June 30	253	1	42	723	1717b(1h)
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June 30	253	1	42	723	1717b(6)
June 30	253	1	42	723	1731aaa
June 30	253	1	42	723	1881a(1½)
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June 30	253	1	42	724	1882aaa
June 30	253	1	42	724	2205a
June 30	253	1	42	725	1881a(2)
June 30	253	1	42	725	6404a
June 30	253	1	42	726	2174a
June 30	253	1	42	728	1972b(1)
June 30	253	1	42	729	2126d
June 30	253	1	42	729	2196a
June 30	253	1	42	729	2196aa
June 30	253	1	42	729	2196b
June 30	253	1	42	729	2296a
June 30	253	1	42	731	6848a
June 30	253	1	42	737	6404b
June 30	253	1	42	737	6895a
June 30	253	1	42	739	9212o
June 30	253	1	42	741	8562g
June 30	253	1	42	749	3044vvv
June 30	253	1	42	749	3063aa
June 30	253	1	42	750	3044aa
June 30	253	1	42	751	2207a
June 30	253	1	42	753	6861a
June 30	253	1	42	754	2278b
June 30	253	1	42	754	2278c
June 30	253	2	42	756	9368
June 30	253	2	42	756	9370
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July 1	257	2	42	767	9661(1)
July 1	258	1	42	768	58
July 1	259	—	42	788	3924¼ee
July 1	259	—	42	799	2556a
July 1	259	—	42	799	2573aaa
July 1	259	—	42	800	2887c
July 1	259	—	42	800	2887d
July 1	259	—	42	801	2887aaa
July 1	259	—	42	801	2887aaaa
July 1	259	—	42	801	2887b
July 1	259	—	42	805	652b
July 1	259	—	42	811	2626aa
July 1	259	—	42	812	2483o(1)
July 1	260	[97]	42	812	1084
July 1	266	1	42	816	9855k
July 1	266	2	42	816	9855l
July 1	267	1[225]	42	816	1201
July 1	267	2[226]	42	816	1202
July 1	267	3[227]	42	816	1203
July 1	267	4[228]	42	818	1205
July 1	267	5	42	818	1205a
July 1	268	[7]	42	818	9212h
July 1	274	[9]	42	821	9792
Aug 18	280	[22]	42	827	8595
Aug. 24	286	[1]	42	829	4169
Aug. 26	295	1	42	832	5281b
Aug. 26	295	2	42	832	5281c
Aug. 26	295	3	42	832	5281d
Aug. 31	301	1	42	833	8716²/₃
Aug. 31	301	2	42	834	8716²/₃a
Sept. 1	302	1	42	834	8985i
Sept. 1	302	2	42	835	8985j
Sept. 1	302	3	42	835	8985k
Sept. 1	302	4	42	835	8985l
Sept. 1	302	5	42	835	8985m
Sept. 1	302	6[2]	42	836	9067b
Sept 1	302	7	42	836	8985n
Sept. 14	306	1	42	837	968o
Sept. 14	306	2	42	838	1113a
Sept. 14	306	3[13]	42	839	980
Sept. 14	306	4[15]	42	839	982
Sept. 14	306	5[18]	42	839	985
Sept. 14	306	6[118]	42	840	1109
Sept. 14	307	1	42	840	1717b(1cc)
Sept. 14	307	2	42	841	1717b(1gg)
Sept. 14	307	3	42	841	3044vvv

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Sept 14	308	3	42	842	231¼b
Sept 14	308	4	42	842	231¼c
Sept 14	308	5	42	842	231¼d
Sept 14	308	6	42	842	231¼e
Sept 14	308	7	42	843	231¼f
Sept 15	313	—	42	844	9951a
Sept 15	315	[34]	42	844	3676
Sept 15	315	[40]	42	844	3682
Sept 18	323	—	42	847	4750f
Sept 19	344	—	42	848	1487
Sept 19	345	[51]	42	849	1033
Sept 19	346	1	42	849	7696¼
Sept 19	346	2	42	849	7696¼a
Sept 19	346	3	42	850	7696¼b
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Jan. 24	38	1	42	1172	6452m
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Feb 14	79	1	42	1250	609b
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Feb 23	106	[6]	42	1283	8747¾c
Feb. 23	106	[11]	42	1283	8747¾ee
Feb 23	106	[12]	42	1283	8717¾f
Feb. 23	106	[15]	42	1283	8747¾gg
Feb. 23	106	[18]	42	1284	8747¾i
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Feb 24	110	—	42	1286	1943n
Feb. 26	113	1	42	1287	6452p
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Feb. 28	145	1[1]	42	1324	4713ffff
Feb 28	145	2	42	1324	4713fffff
Feb. 28	145	3	42	1325	4713ffffff
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Feb 28	146	1[2]	42	1325	7706n
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Mch 2	178	I	42	1384	317
Mch. 2	178	I	42	1384	1860a(1½)
Mch. 2	178	I	42	1384	1885aa
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Mch. 2	178	I	42	1385	2098a(14¼)
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Mch. 2	178	I	42	1385	8459½a(3nn)
Mch. 2	178	I	42	1385	8562ee(10a)
Mch 2	178	I	42	1385	9129a(10¼)
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Mch. 2	178	I	42	1391	6767c
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Mch 3	217	2	42	1435	8740¼a
Mch 3	217	3	42	1435	8740¼b
Mch 3	217	4	42	1436	8740¼c
Mch 3	217	5	42	1436	8740¼d
Mch 3	217	6	42	1436	8740¼e
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Mch 3	217	8	42	1436	8740¼g
Mch. 3	217	9	42	1437	8740¼h
Mch 3	218	—	42	1437	10390a
Mch 3	219	[1]	42	1437	4939
Mch. 3	228	1	42	1441	9390¾
Mch. 3	228	2	42	1441	9390¾a
Mch. 3	228	3	42	1441	9390¾b
Mch. 3	228	4	42	1441	9390¾c
Mch 3	228	5	42	1441	9390¾d
Mch 3	228	6	42	1441	9390¾e
Mch 3	229	1	42	1442	9855o
Mch. 3	229	2	42	1442	9855p
Mch 3	233	[206]	42	1443	10071¼cc
Mch. 4	244	—	42	1444	5846
Mch. 4	245	1	42	1445	4575a
Mch. 4	245	2	42	1445	4587l
Mch. 4	249	1	42	1448	4640¼JJ(1)
Mch. 4	249	2	42	1448	4640¼JJ(2)
Mch. 4	249	3	42	1448	4640¼JJ(3)
Mch. 4	249	4	42	1448	4640¼JJ(4)
Mch. 4	249	5	42	1449	4640¼JJ(5)
Mch. 4	249	6	42	1449	4640¼JJ(6)
Mch 4	249	7	42	1450	4640¼jj(7)
Mch. 4	251	1	42	1453	5327c
Mch. 4	251	2	42	1453	5327d
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Mch. 4	252	I	2[203]	42	1456	9835¼b
Mch 4	252	I	2[204]	42	1456	9835¼c
Mch. 4	252	I	2[205]	42	1457	9835¼d
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Mch. 4	252	I	2[209]	42	1459	9835¼h
Mch. 4	252	I	2[210]	42	1459	9835¼i
Mch. 4	252	I	2[211]	42	1459	9835¼j
Mch. 4	252	I	2[212]	42	1461	9835¼k
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Mch 4	252	II	205	42	1464	9835½d
Mch 4	252	II	206	42	1464	9835½e
Mch 4	252	II	207	42	1465	9835½f
Mch 4	252	II	208	42	1466	9835½g
Mch 4	252	II	209	42	1467	9835½h
Mch 4	252	II	210	42	1469	9835½i
Mch 4	252	II	211	42	1469	9835½j
Mch 4	252	II	212	42	1469	9835½k
Mch 4	252	II	213	42	1469	9835½l
Mch 4	252	II	214	42	1470	9835½m
Mch 4	252	II	215	42	1471	9835½n
Mch 4	252	II	216	42	1471	9835½o
Mch 4	252	II	217	42	1473	9835½p
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Mch. 4	252	IV	405[14]	42	1480	9797
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Mch. 4	262	2	42	1487	8716¾a
Mch. 4	262	3	42	1487	8716¾b
Mch. 4	265	1	42	1488	3287¼
Mch 4	265	2	42	1488	3287¼a
Mch 4	265	3	42	1489	3287¼b
Mch. 4	265	4	42	1489	3287¼c
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Mch. 4	277	—	42	1505	10030¼aa
Mch. 4	279	[1]	42	1506	1070a
Mch. 4	281	1	42	1507	2089a(10¼)
Mch. 4	281	1	42	1507	2815a(12¼)
Mch. 4	281	1	42	1507	3044uuu
Mch. 4	281	1	42	1507	8459½a(3kk)
Mch. 4	281	1	42	1507	8562ee(6¼)
Mch. 4	281	1	42	1507	9129a(5¼)
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Mch. 4	281	4	42	1508	3044u(1)
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Mch. 4	283	12	42	1510	9378ll
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Mch. 4	285	2[20]	42	1515	3115½k
Mch 4	285	2[21]	42	1516	3115½l
Mch 4	285	2[22]	42	1516	3115½m
Mch. 4	285	2[23]	42	1516	3115½n
Mch 4	285	2[24]	42	1516	3115½o
Mch 4	288	1	42	1517	8747⅝
Mch 4	288	2	42	1517	8747⅝a
Mch 4	288	3	42	1517	8747⅝b
Mch 4	288	4	42	1517	8747⅝c
Mch 4	288	5	42	1518	8747⅝d
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Feb 11	17	5	43	7	10562f
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Feb 11	17	7	43	7	10562h
Feb. 11	17	8	43	7	10562i
Feb 11	17	9	43	7	10562j
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Feb. 20	37	3[15]	43	15	3115½hh
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Mch 10	46	2	43	17	3746b¾
Mch 10	46	3	43	17	3746b⅘
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Apr. 2	80	2	43	31	4430
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Apr. 2	80	4	43	32	4432
Apr. 2	80	5	43	32	4433
Apr. 2	80	6	43	32	4433a
Apr. 2	80	7	43	32	4434
Apr. 2	81	1	43	35	9378m
Apr. 2	81	1	43	35	9378n
Apr. 2	81	1	43	40	8706a
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Apr 4	84	I	43	83	3331b
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Apr 15	108	[84]	43	98	10252
Apr 16	117	—	43	100	1943mmm
Apr 19	129	1	43	104	8168
Apr 19	129	2	43	104	8168
Apr 21	130	1	43	105	8459½a(11a)
Apr. 21	130	2	43	105	8459½a(2g)
Apr. 21	130	3	43	105	8459½a(2h)
Apr 21	130	4	43	105	8459½a(2i)
Apr. 21	130	5	43	106	8459½a(2j)
Apr. 21	130	6	43	106	8459½a(2k)
Apr 21	130	7	43	106	8459½a(2l)
Apr 21	130	8	43	106	8459½a(2m)
Apr 28	135	—	43	111	4221tt
Apr. 30	144	—	43	114	1102a
May 3	149	1	43	115	826a
May 9	150	1	43	116	4713fffffff
May 9	150	2	43	116	4713ffffffff

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May 19	157	I	1	43	121	9127-1
May 19	157	I	2	43	121	9127-2
May 19	157	II	201	43	122	9127-201
May 19	157	II	202	43	122	9127-202
May 19	157	II	203	43	123	9127-203
May 19	157	III	301	43	123	9127-301
May 19	157	III	302	43	123	9127-302
May 19	157	III	303	43	124	9127-303
May 19	157	III	304	43	124	9127-304
May 19	157	III	305	43	124	9127-305
May 19	157	III	306	43	124	9127-306
May 19	157	III	307	43	124	9127-307
May 19	157	III	308	43	125	9127-308
May 19	157	III	309	43	125	9127-309
May 19	157	IV	401	43	125	9127-401
May 19	157	IV	402	43	125	9127-402
May 19	157	V	501	43	125	9127-501
May 19	157	V	502	43	126	9127-502
May 19	157	V	503	43	128	9127-503
May 19	157	V	504	43	128	9127-504
May 19	157	V	505	43	128	9127-505
May 19	157	V	506	43	128	9127-506
May 19	157	V	507	43	128	9127-507
May 19	157	VI	601	43	128	9127-601
May 19	157	VI	602	43	129	9127-602
May 19	157	VI	603	43	129	9127-603
May 19	157	VI	604	43	129	9127-604
May 19	157	VI	605	43	130	9127-605
May 19	157	VI	606	43	130	9127-606
May 19	157	VI	607	43	130	9127-607
May 19	157	VII	701	43	130	9127-701
May 19	157	VII	702	43	131	9127-702
May 19	157	VII	703	43	131	9127-703

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May 23	167	—	43	136	7706s
May 24	182	1	43	140	3197¼
May 24	182	2	43	140	3197¼a
May 24	182	3	43	140	3197¼b
May 24	182	4	43	140	3197¼c

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May 24	182	5	43	141	3197¼d
May 24	182	6[5]	43	141	3130c
May 24	182	7	43	141	3197¼e
May 24	182	8	43	142	3197¼f
May 24	182	9	43	142	3149
May 24	182	10	43	142	3197¼g
May 24	182	11	43	142	3197¼h
May 24	182	12	43	142	3197¼i
May 24	182	13	43	143	3136a
May 24	182	14	43	143	3197¼j
May 24	182	15	43	143	3197¼k
May 24	182	16	43	143	3130aa
May 24	182	17	43	143	3131
May 24	182	17	43	143	3197¼l
May 24	182	18	43	144	3197¼m
May 24	182	19	43	146	3197¼n
May 24	182	20	43	146	3197¼o
May 24	182	21	43	146	3197¼p
May 24	182	22	43	146	289a
May 24	182	22	43	146	289b
May 24	182	22	43	146	297a
May 24	183	1	43	146	58
May 24	183	1	43	149	3407a
May 24	183	1	43	149	6953a
May 24	183	1	43	149	3370aa
May 24	183	1	43	149	59
May 26	190	1	43	153	4289¾
May 26	190	2	43	153	4289¾a
May 26	190	3	43	154	4289¾aa
May 26	190	4	43	155	4289¾b
May 26	190	5	43	155	4289¾bb
May 26	190	6	43	155	4289¾c
May 26	190	7	43	156	4289¾cc
May 26	190	8	43	157	4289¾d
May 26	190	9	43	157	4289¾dd
May 26	190	10	43	158	4289¾e
May 26	190	11	43	159	4289¾ee
May 26	190	12	43	160	4289¾f
May 26	190	13	43	161	4289¾ff
May 26	190	14	43	162	4289¾g
May 26	190	15	43	162	4289¾gg
May 26	190	16	43	163	4289¾h
May 26	190	17	43	163	4289¾hh
May 26	190	18	43	164	4289¾i
May 26	190	19	43	164	4289¾ii
May 26	190	20(a-c)	43	164	4289¾j
May 26	190	21	43	165	4289¾jj
May 26	190	22	43	165	4289¾k
May 26	190	23	43	165	4289¾kk
May 26	190	24	43	166	4289¾l
May 26	190	25	43	166	4289¾ll
May 26	190	26[9]	43	166	4289¾e
May 26	190	27[10]	43	167	4289¾ee
May 26	190	28	43	168	4289¾m
May 26	190	29	43	169	4289¾mm
May 26	190	30	43	169	4289½ee
May 26	190	31	43	169	4289¾n
May 26	190	32	43	169	4289¾nn
May 27	199	8	43	176	3287½o(1)
May 27	199	9	43	176	6940a
May 28	203	—	43	183	2827a
May 28	203	—	43	193	2483aaa
May 28	203	—	43	193	2556a
May 28	203	—	43	194	2581a
May 28	203	—	43	194	2619d
May 28	203	—	43	194	2887b
May 28	203	—	43	194	2887c
May 28	203	—	43	194	2887d
May 28	203	—	43	194	2911b
May 28	203	—	43	194	8459½a(20)
May 28	203	—	43	194	8562i
May 28	203	—	43	194	9149d
May 28	203	—	43	195	2809aa
May 28	203	—	43	195	2809b
May 28	203	—	43	195	2811b
May 28	203	—	43	195	2887aaa
May 28	203	—	43	195	2887aaaa
May 28	203	—	43	199	652b
May 28	203	—	43	200	2748c
May 28	203	—	43	202	2833a
May 28	203	—	43	204	2813cccc
May 28	203	—	43	204	2813ccccc

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May 28	204	I	43	206	3133
May 28	204	I	43	208	3146a
May 28	204	I	43	210	3198b
May 28	204	I	43	212	7683
May 28	204	I	43	213	7683a
May 28	204	I	43	215	7692b
May 28	204	II	43	217	543a
May 28	204	II	43	217	543b
May 28	204	II	43	218	1197a
May 28	204	II	43	218	7172a
May 28	204	II	43	219	1451a
May 28	204	II	43	220	1420a
May 28	204	II	43	220	1420aa
May 28	204	II	43	220	1424a
May 28	204	II	43	220	1609a
May 28	204	II	43	221	972a
May 28	204	II	43	221	1340a
May 28	204	II	43	222	10562a
May 28	204	II	43	224	10564a
May 28	204	III	43	224	854b
May 28	204	III	43	225	854a
May 28	204	III	43	229	8170a
May 28	204	III	43	233	923a
May 28	204	III	43	236	8561aaaa
May 28	204	III	43	238	907a
May 28	204	IV	43	240	960a
May 28	204	IV	43	242	953a

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May 29	208	1	43	243	852½
May 29	208	2	43	243	852½a
May 29	208	3	43	243	852½b
May 29	208	4	43	243	852½c
May 29	209	[73]	43	243	1058
May 29	210	—	43	244	4218a
May 29	211	1	43	244	1098c
May 29	211	2	43	244	1098d
May 31	214	[2]	43	245	3231
May 31	221	—	43	248	10561a
May 31	223	1	43	249	10030½
May 31	223	2	43	249	10030½a
May 31	224	1[3]	43	250	2089a(3)
May 31	224	1[3]	43	250	2815a(2)
May 31	224	1[3]	43	250	8459½a(3c)
May 31	224	1[3]	43	250	8562ee(3)
May 31	224	1[3]	43	250	9129a(2)
May 31	224	2[6]	43	250	2815a(5)
May 31	224	2[6]	43	250	2089a(6)
May 31	224	2[6]	43	250	8459½a(3f)
May 31	224	2[6]	43	250	8562ee(6)
May 31	224	2[6]	43	250	9129a(5)
May 31	224	3[10]	43	251	2089a(9a)
May 31	224	3[10]	43	251	2815a(11a)
May 31	224	3[10]	43	251	2815a(11b)
May 31	224	3[10]	43	251	8459½a(3jj)
May 31	224	3[10]	43	251	8562ee(7a)
May 31	224	3[10]	43	251	9129a(7a)
May 31	224	4[20]	43	251	2089a(18)
May 31	224	4[20]	43	251	2815a(20)
May 31	224	4[20]	43	251	3044uu(1)
May 31	224	4[20]	43	251	8459½a(3s)
May 31	224	5[21]	43	251	2089a(19)
May 31	224	5[21]	43	251	2815a(21)
May 31	224	5[21]	43	251	8459½a(3t)
May 31	224	5[21]	43	251	8562ee(13)
May 31	224	5[21]	43	251	9129a(13)
May 31	224	6[17]	43	252	2089a(16)
May 31	224	6[17]	43	252	2815a(18)
May 31	224	6[17]	43	252	8459½a(3p)
May 31	224	6[17]	43	252	8562ee(12)
May 31	224	6[17]	43	252	9129a(12)
June 2	233	—	43	253	3951aa

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June 2	234	I	1	43	253	6371⅝
June 2	234	I	2	43	253	6371⅝a
June 2	234	II	200	43	254	6336⅛
June 2	234	II	201	43	254	6336⅛a

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June 2	234	II	202	43	255	6336½b
June 2	234	II	203	43	256	6336½bb
June 2	234	II	204	43	258	6336½bbb
June 2	234	II	205	43	260	6336½c
June 2	234	II	206	43	260	6336½cc
June 2	234	II	207	43	261	6336½d
June 2	234	II	208	43	262	6336½dd
June 2	234	II	209	43	263	6336½ddd
June 2	234	II	210	43	264	6336½e
June 2	234	II	211	43	265	6336½ee
June 2	234	II	212	43	267	6336½f
June 2	234	II	213	43	267	6336½ff
June 2	234	II	214	43	269	6336½g
June 2	234	II	215	43	271	6336½gg
June 2	234	II	216	43	272	6336½h
June 2	234	II	217	43	273	6336½hh
June 2	234	II	218	43	275	6336½i
June 2	234	II	219	43	275	6336½ii
June 2	234	II	220	43	277	6336½j
June 2	234	II	221	43	277	6336½jj
June 2	234	II	222	43	279	6336½k
June 2	234	II	223	43	280	6336½kk
June 2	234	II	224	43	280	6336½l
June 2	234	II	225	43	280	6336½ll
June 2	234	II	226	43	281	6336½m
June 2	234	II	227	43	281	6336½mm
June 2	234	II	230	43	282	6336½n
June 2	234	II	231	43	282	6336½nn
June 2	234	II	232	43	283	6336½o
June 2	234	II	233	43	283	6336½p
June 2	234	II	234	43	283	6336½pp
June 2	234	II	235	43	285	6336½q
June 2	234	II	236	43	285	6336½qq
June 2	234	II	237	43	285	6336½r
June 2	234	II	238	43	286	6336½rr
June 2	234	II	239	43	287	6336½s
June 2	234	II	240	43	288	6336½ss
June 2	234	II	241	43	288	6336½t
June 2	234	II	242	43	288	6336½t(1)
June 2	234	II	243	43	289	6336½t(2)
June 2	234	II	244	43	289	6336½t(3)
June 2	234	II	245	43	289	6336½t(4)
June 2	234	II	246	43	290	6336½t(5)
June 2	234	II	247	43	291	6336½t(6)
June 2	234	II	254	43	292	6336½tt
June 2	234	II	255	43	292	6336½u
June 2	234	II	256	43	292	6336½uu
June 2	234	II	257	43	293	6336½v
June 2	234	II	258	43	293	6336½vv
June 2	234	II	259	43	293	6336½w
June 2	234	II	260	43	294	6336½ww
June 2	234	II	261	43	294	6336½x
June 2	234	II	262	43	294	6336½xx
June 2	234	II	263	43	295	6336½y
June 2	234	II	270	43	295	6336½yy
June 2	234	II	271	43	296	6336½yyy
June 2	234	II	272	43	296	6336½z
June 2	234	II	273	43	296	6336½zz
June 2	234	II	274	43	297	6336½zz(1)
June 2	234	II	275	43	298	6336½zz(2)
June 2	234	II	276	43	298	6336½zz(3)
June 2	234	II	277	43	299	6336½zz(4)
June 2	234	II	278	43	299	6336½zz(5)
June 2	234	II	279	43	300	6336½zz(6)
June 2	234	II	280	43	301	6336½zz(7)
June 2	234	II	281	43	301	6336½zz(8)
June 2	234	II	282	43	302	6336½zz(9)
June 2	234	II	283	43	303	6336½zz(10)
June 2	234	III	300	43	303	6336½
June 2	234	III	301	43	303	6336½a
June 2	234	III	302	43	304	6336½b
June 2	234	III	303	43	305	6336½c
June 2	234	III	304	43	307	6336½d
June 2	234	III	305	43	308	6336½e
June 2	234	III	306	43	308	6336½f
June 2	234	III	307	43	308	6336½g
June 2	234	III	308	43	308	6336½h
June 2	234	III	309	43	309	6336½i
June 2	234	III	310	43	310	6336½j
June 2	234	III	311	43	310	6336½k
June 2	234	III	312	43	310	6336½l
June 2	234	III	313	43	311	6336½m

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June 2	234	III	314	43	311	6336½n
June 2	234	III	315	43	312	6336½o
June 2	234	III	316	43	312	6336½p
June 2	234	III	317	43	313	6336½q
June 2	234	III	318	43	313	6336½r
June 2	234	III	319	43	313	6336½s
June 2	234	III	320	43	314	6336½t
June 2	234	III	321	43	314	6336½u
June 2	234	III	322	43	315	6336½v
June 2	234	III	323	43	316	6336½w
June 2	234	III	324	43	316	6336½x
June 2	234	IV	400 (a-d)	43	316	6204c
June 2	234	IV	400 (e)	43	317	6202
June 2	234	IV	401 (a)	43	317	6174d
June 2	234	IV	401 (b)	43	317	6169
June 2	234	IV	402	43	318	6204d
June 2	234	IV	403	43	318	6168
June 2	234	V	500	43	320	6309½d
June 2	234	V	501	43	321	6309½e
June 2	234	V	502	43	322	6309½f
June 2	234	V	503	43	322	6309½g
June 2	234	VI	600	43	322	6309¾f
June 2	234	VI	601	43	323	6309¾g
June 2	234	VI	602	43	323	6309¾h
June 2	234	VI	603	43	324	6309¾j
June 2	234	VI	604	43	324	6309¾j
June 2	234	VI	605	43	324	6309¾k
June 2	234	VII	700	43	325	5980n
June 2	234	VII	701	43	326	5980o
June 2	234	VII	702	43	327	5980p
June 2	234	VII	703	43	328	5980q
June 2	234	VII	704	43	328	5980r
June 2	234	VII	705[1]	43	328	6287g
June 2	234	VII	706[6]	43	330	6287i
June 2	234	VII	707	43	331	6287r
June 2	234	VIII	800	43	331	6318i
June 2	234	VIII	801	43	332	6318j
June 2	234	VIII	802	43	332	6318k
June 2	234	VIII	803	43	332	6318l
June 2	234	VIII	804	43	333	6318m
June 2	234	VIII	805	43	333	6318n
June 2	234	VIII	806	43	333	6318o
June 2	234	VIII	807	43	333	6318p
June 2	234	IX	900	43	336	6371½b
June 2	234	X	1000	43	339	6371½c
June 2	234	X	1001	43	339	6371½d
June 2	234	X	1002	43	339	6371½e
June 2	234	X	1003	43	339	5899
June 2	234	X	1004	43	340	6371½f
June 2	234	X	1005	43	340	6371½g
June 2	234	X	1006	43	340	6371½h
June 2	234	X	1007	43	340	6371½i
June 2	234	X	1008	43	341	6371½j
June 2	234	X	1009	43	341	6371½k
June 2	234	X	1010(a) [1]	43	341	1711
June 2	234	X	1010(b)	43	342	1711a
June 2	234	X	1011	43	342	5044
June 2	234	X	1012	43	342	5951
June 2	234	X	1013(a) [1]	43	343	6346
June 2	234	X	1013(b)	43	343	6336½nnn
June 2	234	X	1014(a)	43	343	5949
June 2	234	X	1014(b)	43	343	5949a
June 2	234	X	1015	43	343	5948a
June 2	234	X	1016	43	343	5909
June 2	234	X	1017	43	343	6371½l
June 2	234	X	1018	43	344	5884
June 2	234	X	1018	43	344	5885
June 2	234	X	1018	43	345	5887
June 2	234	X	1018	43	345	5895
June 2	234	X	1018	43	345	5896
June 2	234	X	1019	43	346	6371½m
June 2	234	X	1020 [177]	43	346	1168
June 2	234	X	1021	43	347	6371½n
June 2	234	X	1022	43	347	6371½o
June 2	234	X	1023	43	347	6371½p

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June 2	234	X	1024	43	348	6371½q
June 2	234	X	1025 (a, b)	43	348	6371½r
June 2	234	X	1025(c) [1310(c)]	43	348	991(20a)
June 2	234	X	1026	43	348	6371½s
June 2	234	X	1027	43	349	6097
June 2	234	X	1028	43	349	6829zz(¾)
June 2	234	X	1029	43	349	3301a
June 2	234	X	1030	43	350	5929
June 2	234	X	1031(a)	43	351	5917
June 2	234	X	1031(b)	43	351	5932
June 2	234	XI	1100	43	352	6371½t
June 2	234	XI	1101 [1303]	43	353	106a
June 2	234	XI	1102	43	353	352aa
June 2	234	XI	1103	43	353	6371½u
June 2	234	XI	1104	43	353	6371½v
June 2	234	XII	1200	43	353	6371⅞
June 2	234	XII	1201	43	354	6371⅞a
June 2	234	XII	1202	43	355	6371⅞b
June 2	234	XII	1203	43	355	6371⅞c
June 2	234	XII	1204	43	355	6371⅞d
June 2	234	XII	1205	43	355	6371⅞e
June 2	234	XII	1206	43	355	6371⅞f

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June 3	236	1	43	355	9992a
June 3	236	2	43	356	9992b
June 3	236	3	43	356	9992c
June 3	237	—	43	356	7214a
June 3	237	—	43	356	7506a
June 3	240	—	43	357	4612a
June 3	242	1	43	358	9390½
June 3	242	2	43	359	9390½a
June 3	242	3	43	359	9390½b
June 3	242	4	43	359	9390½c
June 3	242	5	43	359	9390½d
June 3	242	6	43	360	9390½e
June 3	242	7	43	360	9390½f
June 3	243	1	43	360	10071½
June 3	243	2	43	360	10071½a
June 3	243	3	43	361	10071½b
June 3	243	4	43	361	10071½c
June 3	243	5	43	362	10071½d
June 3	243	6	43	362	10071½e
June 3	244	1[87]	43	363	3057
June 3	244	2[92]	43	363	3072
June 3	244	3[109]	43	364	2123aa
June 3	244	3[109]	43	364	3044u
June 3	244	4[6]	43	364	1881a(4)
June 3	244	5	43	365	3064aa
June 3	244	6	43	365	3044v(1)
June 3	244	7	43	366	3044vv(2)
June 3	244	8	43	366	3044vv(3)
June 5	259	[101]	43	387	1088
June 5	260	[115]	43	388	1106
June 5	261	1[37]	43	389	8932s
June 5	261	2[40]	43	389	8932tt
June 5	262	1	43	389	9212s
June 5	262	2	43	390	9212t
June 5	263	[4]	43	390	5249m
June 5	264	—	43	391	697a
June 5	264	—	43	391	668a
June 5	264	—	43	392	680a
June 5	264	—	43	392	6836k
June 5	264	—	43	394	4824a
June 5	264	—	43	395	4475a
June 5	264	—	43	395	4480a
June 5	264	—	43	396	4013a
June 5	264	—	43	396	3990b
June 5	264	—	43	396	4033b
June 5	264	—	43	397	4025
June 5	264	—	43	399	4032a
June 5	264	—	43	399	4125c
June 5	264	—	43	404	4171b
June 5	264	—	43	414	3287½s(1)
June 5	264	—	43	415	757b
June 5	264	—	43	419	782a
June 5	264	—	43	421	783a
June 5	264	—	43	422	3369e(4)

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1924					
June 5	264	—	43	422	9139a
June 5	264	—	43	425	5281a
June 5	264	—	43	427	3611a
June 5	264	—	43	427	3613a
June 5	264	—	43	428	3696a
June 5	264	—	43	429	9294c
June 5	265	[1]	43	431	8932¼
June 5	265	[1]	43	431	8932¼a
June 5	265	[3]	43	431	8932¼c
June 5	265	[6]	43	432	8932¼h
June 5	265	[6]	43	432	8932¼i
June 5	266	—	43	434	832bb
June 5	266	—	43	434	839a
June 5	266	—	43	436	845a
June 5	266	—	43	438	8706b
June 5	266	—	43	443	5138
June 5	266	—	43	445	5138aa
June 5	266	—	43	453	828a
June 5	266	—	43	458	8706a
June 5	266	—	43	459	828b
June 5	266	—	43	459	839d
June 5	266	—	43	460	7477¼vv
June 5	266	—	43	460	8716¼ss
June 6	270	1	43	463	3353b
June 6	270	2	43	463	3353c
June 6	270	3	43	463	3353d
June 6	270	4	43	464	3353e
June 6	271	1	43	464	3363b
June 6	271	2	43	464	3363c
June 6	272	1	43	464	3622¼
June 6	272	1	43	464	3622¼a
June 6	272	2	43	465	3622¼b
June 6	272	3[3]	43	465	3630
June 6	272	4[4]	43	466	3631
June 6	272	5[5]	43	466	3632
June 6	272	6	43	466	3622¼c
June 6	272	6	43	466	3622¼d
June 6	272	8	43	467	3622¼e
June 6	273	1[11]	43	467	8146¼ee
June 6	273	2[12]	43	468	8146¼eee
June 6	274	[2]	43	469	4587b
June 6	275	1[4b]	43	470	1891aa
June 6	275	2	43	470	1762a(3½)
June 6	275	3[38]	43	470	1881b
June 6	275	4[69]	43	470	3044h
June 6	275	5[90]	43	471	3062b
June 6	275	6	43	471	3044c(1)
June 6	275	7[110]	43	471	3044v
June 6	275	8	43	472	2088a
June 6	275	8	43	472	2893a
June 6	275	9	43	472	3068a
June 7	287	1	43	473	10564½
June 7	287	2	43	473	10564½a
June 7	287	3	43	474	10564½b
June 7	287	4	43	474	10564½c
June 7	287	5	43	474	10564½d
June 7	287	6	43	474	10564½e
June 7	287	7	43	474	10564½f
June 7	287	8	43	475	10564½g
June 7	287	9	43	475	10564½h
June 7	288	1	43	475	4205f
June 7	288	2	43	475	4205g
June 7	288	3	43	475	4205h
June 7	288	4	43	476	4205i
June 7	288	5	43	476	4205j

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June 7	291	I	43	478	7135a
June 7	291	I	43	481	1882aaa
June 7	291	I	43	481	8231aaa
June 7	291	I	43	481	1995a
June 7	291	I	43	481	1860a(1½)
June 7	291	I	43	482	317
June 7	291	I	43	482	2205a
June 7	291	I	43	483	2174a
June 7	291	I	43	483	6404a
June 7	291	I	43	485	2196a
June 7	291	I	43	485	2296a
June 7	291	I	43	486	2126d
June 7	291	I	43	486	2196aa
June 7	291	I	43	486	10066

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June 7	291	I	43	490	1784a(1½)
June 7	291	I	43	492	1867q
June 7	291	I	43	492	6404b
June 7	291	I	43	494	9212o
June 7	291	I	43	496	8562g
June 7	291	I	43	504	2207a
June 7	291	I	43	505	2278b
June 7	291	I	43	505	2278c
June 7	291	I	43	506	1881a(2)
June 7	291	I	43	506	3044aa
June 7	291	I	43	506	3063aa
June 7	291	I	43	507	1816aa
June 7	291	I	43	507	1881a(1½)
June 7	291	I	43	507	2178b
June 7	291	I	43	508	1881dd
June 7	291	I	43	509	1789a
June 7	291	I	43	510	3070b(1)
June 7	291	II	43	511	2019c
June 7	291	II	43	511	9368
June 7	291	II	43	511	9370
June 7	291	II	43	511	9378
June 7	291	II	43	518	9239
June 7	291	II	43	519	9264a

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June 7	292	1	43	521	229
June 7	292	1	43	522	9378m
June 7	292	1	43	522	9378n
June 7	292	1	43	526	3115⅝j
June 7	292	1	43	531	8146bbb
June 7	292	1	43	533	6647f
June 7	296	1	43	535	9390⅞
June 7	296	2	43	535	9390⅞a
June 7	296	3	43	535	9390⅞b
June 7	296	4	43	536	9390⅞c
June 7	296	5	43	536	9390⅞d
June 7	296	6	43	536	9390⅞e
June 7	296	7	43	536	9390⅞f
June 7	296	8	43	536	9390⅞g
June 7	302	1	43	543	3369f
June 7	302	1	43	545	6836bb
June 7	302	1	43	550	3351c
June 7	302	1	43	558	3369c
June 7	302	1	43	560	6941o
June 7	302	1	43	575	3311a
June 7	303	1	43	580	58
June 7	303	1	43	583	73
June 7	303	1	43	586	89a
June 7	303	1	43	587	3331c
June 7	303	1	43	588	6836h
June 7	303	1	43	592	7093a
June 7	303	1	43	592	7178a
June 7	303	1	43	592	7178b
June 7	305	1	43	593	5273a
June 7	305	2	43	594	5273b
June 7	305	3	43	594	5273c
June 7	308	1	43	595	991(26)
June 7	308	2	43	595	991(27)
June 7	308	3	43	595	991(28)
June 7	312	1	43	597	6952½
June 7	312	2	43	597	6952½a
June 7	312	3	43	598	6952½b
June 7	312	4	43	598	6952½c
June 7	312	5	43	598	6952½d
June 7	312	6	43	598	6952½e
June 7	316	1	43	604	9946½
June 7	316	2	43	604	9946½a
June 7	316	3	43	605	9946½b
June 7	316	4	43	605	9946½c
June 7	316	5	43	605	9946½d
June 7	316	6	43	605	9946½e
June 7	316	7	43	605	9946½f
June 7	316	8	43	606	9946½g
June 7	316	9	43	606	9946½h
June 7	319	—	43	607	1077a

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June 7	320	I	1	43	607	9127½-1
June 7	320	I	2	43	607	9127½-2
June 7	320	I	3	43	607	9127½-3
June 7	320	I	4	43	608	9127½-4
June 7	320	I	5	43	608	9127½-5
June 7	320	I	6	43	609	9127½-6
June 7	320	I	7	43	609	9127½-7
June 7	320	I	8	43	609	9127½-8
June 7	320	I	9	43	610	9127½-9
June 7	320	I	10	43	610	9127½-10
June 7	320	I	11	43	611	9127½-11
June 7	320	I	12	43	611	9127½-12
June 7	320	I	13	43	611	9127½-13
June 7	320	I	14	43	611	9127½-14
June 7	320	I	15	43	611	9127½-15
June 7	320	I	16	43	612	9127½-16
June 7	320	I	17	43	612	9127½-17
June 7	320	I	18	43	612	9127½-18
June 7	320	I	19	43	612	9127½-19
June 7	320	I	20	43	613	9127½-20
June 7	320	I	21	43	613	9127½-21
June 7	320	I	22	43	613	9127½-22
June 7	320	I	23	43	613	9127½-23
June 7	320	I	24	43	614	9127½-24
June 7	320	I	25	43	614	9127½-25
June 7	320	I	26	43	614	9127½-26
June 7	320	I	27	43	615	9127½-27
June 7	320	I	28	43	615	9127½-28
June 7	320	I	29	43	615	9127½-29
June 7	320	I	30	43	615	9127½-30
June 7	320	I	32	—	—	9127½-32
June 7	320	II	200	43	615	9127½-200
June 7	320	II	201	43	616	9127½-201
June 7	320	II	202	43	618	9127½-202
June 7	320	II	203	43	622	9127½-203
June 7	320	II	204	43	622	9127½-204
June 7	320	II	205	43	622	9127½-205
June 7	320	II	206	43	622	9127½-206
June 7	320	II	207	43	622	9127½-207
June 7	320	II	208	43	622	9127½-208
June 7	320	II	209	43	623	9127½-209
June 7	320	II	210	43	623	9127½-210
June 7	320	II	211	43	623	9127½-211
June 7	320	II	212	43	623	9127½-212
June 7	320	II	213	43	623	9127½-213
June 7	320	III	300	43	624	9127½-300
June 7	320	III	301	43	624	9127½-301
June 7	320	III	302	43	625	9127½-302
June 7	320	III	303	43	625	9127½-303
June 7	320	III	304	43	625	9127½-304
June 7	320	III	305	43	626	9127½-305
June 7	320	III	306	43	626	9127½-306
June 7	320	III	307	43	627	9127½-307
June 7	320	IV	400	43	627	9127½-400
June 7	320	IV	401	43	627	9127½-401
June 7	320	IV	402	43	628	9127½-402
June 7	320	IV	403	43	628	9127½-403
June 7	320	IV	404	43	628	9127½-404
June 7	320	IV	405	43	628	9127½-405
June 7	320	IV	406	43	628	9127½-406
June 7	320	IV	407	—	—	9127½-407
June 7	320	V	500	43	628	9127½-500
June 7	320	V	501	43	628	9127½-501
June 7	320	V	502	43	629	9127½-502
June 7	320	V	503	43	629	9127½-503
June 7	320	V	504	43	629	9127½-504
June 7	320	V	505	—	—	9127½-505
June 7	320	VI	600	43	629	9127½-600
June 7	320	VI	601	43	629	9127½-601
June 7	320	VI	602	43	630	9127½-602
June 7	320	VI	603	43	630	9127½-603
June 7	320	VI	604	43	630	9127½-604
June 7	320	VI	605	43	630	9127½-605

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June 7	322	2[22]	43	631	3803hh
June 7	322	3[50]	43	631	3803v
June 7	324	—	43	632	5217bb
June 7	325	[16]	43	633	8584
June 7	326	1	43	634	5277g
June 7	326	2	43	634	5277h
June 7	327	—	43	634	3115¼½ee

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June 7	328	—	43	634	4025a
June 7	332	—	43	642	1083
June 7	337	—	43	646	9855q
June 7	339	1	43	646	5290c
June 7	339	2	43	647	5290d
June 7	339	3	43	647	5290e
June 7	339	4	43	647	5290f
June 7	341	[5]	43	647	9490
June 7	345	1	43	648	8150½
June 7	345	2	43	648	8150½a
June 7	345	3	43	649	8150½b
June 7	345	4	43	649	8150½c
June 7	345	5	43	649	8150½d
June 7	345	6	43	649	8150½e
June 7	345	7	43	649	8150½f
June 7	345	8	43	649	8150½g
June 7	345	9	43	650	8150½h
June 7	345	10	43	650	8150½i
June 7	345	11	43	650	8150½j
June 7	345	12	43	650	8150½k
June 7	346	1	43	650	5277½
June 7	346	2	43	650	5277½a
June 7	346	3	43	650	5277½b
June 7	346	4	43	650	5277½c
June 7	346	5	43	651	5277½d
June 7	346	6	43	651	5277½e
June 7	346	7	43	651	5277½f
June 7	346	8	43	651	5277½g
June 7	346	9	43	652	5277½h
June 7	346	10	43	652	5277½i
June 7	346	11	43	652	5277½j
June 7	346	12	43	652	5277½k
June 7	346	13	43	652	5277½l
June 7	347	—	43	652	7324a
June 7	348	1	43	653	5187½
June 7	348	2	43	653	5187½a
June 7	348	3	43	653	5187½b
June 7	348	4	43	654	5187½c
June 7	348	5	43	654	5187½d
June 7	348	6	43	654	5179a
June 7	348	7	43	654	5187½e
June 7	348	8	43	655	5187½f
June 7	348	9	43	655	5187½g
June 7	352	[2]	43	657	8801
June 7	354	1	43	658	7000c
June 7	355	1[1]	43	659	8630
June 7	355	2[2]	43	659	8631
June 7	355	3[3]	43	659	8632
June 7	355	4[4]	43	659	8633
June 7	355	6	43	659	8632a
June 7	357	—	43	660	5841f-69½
June 7	359	1[98]	43	661	1085
Dec 5	4	1	43	683	8706a
Dec 5	4	1	43	685	4750h
Dec 5	4	1	43	687	6647g
Dec. 5	4	1	43	687	10562k
Dec. 5	4	1	43	690	582a
Dec 5	4	1	43	693	494b
Dec 5	4	4A	43	701	4750g1
Dec 5	4	4B	43	702	4750g2
Dec 5	4	4C	43	702	4750g3
Dec. 5	4	4D	43	702	4750g4
Dec 5	4	4E	43	702	4750g5
Dec 5	4	4F	43	702	4750g6
Dec 5	4	4G	43	702	4750g7
Dec. 5	4	4H	43	703	4750g8
Dec. 5	4	4I	43	703	4750g9
Dec. 5	4	4J	43	703	4750g10
Dec. 5	4	4K	43	703	4750g11
Dec 5	4	4L	43	703	4750g12
Dec. 5	4	4M	43	703	4750g13
Dec. 5	4	4N	43	704	4750g14
Dec. 5	4	4O	43	704	4750g15
Dec. 5	4	4P	43	704	4750g16
Dec. 5	4	4Q	43	704	4750g17
Dec. 5	4	4R	43	704	4750g18
Dec. 22	14	—	43	719	7706t
Dec. 22	15	—	43	720	7706u
Dec. 24	18	[98]	43	721	1085
1925					
Jan. 7	32	1	43	724	10564¾
Jan. 7	32	2	43	724	10564¾a
Jan 7	32	3	43	724	10564¾b
Jan 7	32	4	43	724	10564¾c
Jan 7	32	5	43	724	10564¾d
Jan 7	32	6	43	725	10564¾e
Jan 7	32	7	43	725	10564¾f
Jan 7	32	8	43	725	10564¾g
Jan 7	32	9	43	726	10564¾h
Jan 7	32	10	43	726	10564¾i
Jan 7	33	—	43	726	10294a
Jan 8	57	—	43	729	1113b
Jan 13	75	1	43	739	3621aa-1
Jan 13	75	2	43	739	3621aa-2
Jan 13	75	3	43	740	3621aa-3
Jan 13	75	4	43	740	3621aa-4
Jan 13	75	5	43	741	3621aa-5
Jan 13	75	6	43	742	3621aa-6
Jan. 13	75	7	43	742	3621aa-7
Jan 13	75	8	43	743	3621aa-8
Jan 13	75	9	43	743	3621aa-9
Jan 13	75	10	43	743	3621aa-10
Jan 13	75	11	43	744	3621aa-11
Jan. 13	75	12	43	746	3621aa-12
Jan. 13	75	13	43	746	3621aa-13
Jan 13	75	14	43	747	3621aa-14
Jan 13	75	15	43	747	3621aa-15
Jan. 13	75	16	43	747	3621aa-16
Jan. 13	75	17	43	747	3621aa-17
Jan 13	75	18	43	747	3621aa-18
Jan 13	76	[2]	43	748	5327d
Jan. 14	77	1	43	748	3287½aaa(1)
Jan 14	77	2	43	749	3287½aaa(2)
Jan. 16	83	1[80]	43	751	1065
Jan 16	83	2	43	751	1065a
Jan. 16	83	3	43	752	1065b
Jan 16	83	4	43	752	1065c
Jan 16	83	5	43	752	1065d
Jan. 16	83	6	43	752	1065e
Jan. 20	85	1	43	757	9173
Jan. 21	86	[4]	43	763	7706p

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Jan. 22	87	I	43	766	6941dd
Jan. 22	87	I	43	766	6941ddd
Jan. 22	87	I	43	770	5859a
Jan. 22	87	I	43	770	5859e
Jan 22	87	I	43	770	6059a
Jan. 22	87	I	43	771	5859d
Jan. 22	87	I	43	771	10138½yy
Jan. 22	87	I	43	772	8459½a(3ll)
Jan. 22	87	I	43	772	8459½a(15)
Jan 22	87	I	43	774	9129a(8a)
Jan 22	87	I	43	775	4243aa
Jan 22	87	I	43	775	4243aaa
Jan 22	87	I	43	775	9173
Jan. 22	87	I	43	781	3331b
Jan. 22	87	I	43	781	6778aa
Jan. 22	87	I	43	781	6937a
Jan. 22	87	II	43	783	609b
Jan. 22	87	II	43	783	609d
Jan. 22	87	II	43	784	582a
Jan. 22	87	II	43	784	7547na
Jan 22	87	II	43	785	609c

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Jan. 28	102	[1]	43	793	8603
Jan. 28	102	[2]	43	794	8604
Jan. 28	102	—	43	794	8604¼
Jan. 28	104	[81]	43	794	1066
Jan. 30	118	[5]	43	800	1092a
Jan. 30	119	1	43	801	5290g
Jan. 30	119	2	43	801	5290h
Jan. 30	119	3	43	801	5290i
Jan. 31	121	—	43	802	8562gg
Jan 31	124	1	43	803	794a
Jan. 31	124	2	43	803	794b
Jan. 31	124	3	43	803	3218a
Feb. 2	128	1	43	805	7455½
Feb. 2	128	2	43	805	7455½a
Feb. 2	128	3	43	805	7455½b

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Feb. 2	128	4	43	805	7455½c
Feb. 2	128	5	43	806	7455½d
Feb 6	143	1	43	808	5986g(1)
Feb 6	143	2	43	809	5986g(2)
Feb. 6	143	3	43	809	5986g(3)
Feb 7	146	[2]	43	809	9157
Feb. 7	147	12	43	812	4525d
Feb 7	149	[3]	43	813	1607
Feb 7	150	[128]	43	813	1120
Feb 9	167	—	43	819	5327aa
Feb 10	200	—	43	824	832bb
Feb 10	200	—	43	824	839a
Feb. 10	200	—	43	826	845a
Feb. 10	200	—	43	827	8706b
Feb. 10	200	—	43	834	5138
Feb 10	200	—	43	835	5138aa
Feb. 10	200	—	43	844	828a
Feb. 10	200	—	43	846	828b
Feb. 10	200	—	43	851	839d
Feb 10	200	—	43	851	8706a
Feb 10	200	—	43	851	8716¼ss
Feb 10	200	—	43	852	7477¼vv
Feb 11	203	1	43	856	5290j
Feb 11	203	2	43	856	5290k
Feb. 11	203	3	43	856	5290l
Feb. 11	203	4	43	856	5290m
Feb 11	204	1	43	857	1383a
Feb. 11	204	2	43	857	1383b
Feb 11	204	3	43	857	1383c
Feb 11	204	4	43	857	1383d
Feb. 11	204	5	43	857	1383e
Feb 11	204	6	43	857	1383f
Feb 11	204	7	43	857	1383g
Feb 11	204	8	43	858	1383h
Feb. 11	207	—	43	860	6619aa
Feb 11	208	—	43	860	5944a
Feb. 11	209	—	43	864	2827a
Feb. 11	209	—	43	866	2900½-35a
Feb. 11	209	—	43	872	2483aaa
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Feb 11	209	—	43	872	2911b
Feb. 11	209	—	43	872	8459½(20)
Feb 11	209	—	43	872	9149d
Feb 11	209	—	43	873	2887aaa
Feb. 11	209	—	43	873	2887aaaa
Feb. 11	209	—	43	873	2887b
Feb. 11	209	—	43	873	2887d
Feb. 11	209	—	43	874	2809aa
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Feb. 11	209	—	43	877	652b
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Feb. 12	212	[90]	43	882	L076
Feb. 12	213	1	43	883	1251⅛-1
Feb. 12	213	2	43	883	1251⅛-2
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Feb. 12	213	5	43	884	1251⅛-5
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Feb. 12	213	7	43	884	1251⅛-7
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Feb 24	303	2	43	967	9390½oa
Feb 24	303	3	43	967	9390½ob
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Feb 27	364	III	43	1034	854a
Feb 27	364	III	43	1038	8170a
Feb 27	364	III	43	1046	3562ee(8¼)
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Feb 27	364	III	43	1046	8561aaaa
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Mch. 3	423	3	43	1108	122f
Mch. 3	423	4	43	1108	122g
Mch 3	423	5	43	1108	122h
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1919					
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1920					
Feb 14	76	1	41	434	4530a
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This list is intended to comprise all Acts of Congress enacted since the publication of Comp St. 1918, which are or have been cited by popular designation Section numbers in brackets indicate where each act may be found in this compilation Some of the acts included in this list are local or temporary, and carry no reference to the U. S Comp. St. for the reason that the text of the acts was not included in the compilation.

Admissions Tax Acts,
Feb 24, 1919, c 18, §§ 800–802, 40 Stat 1120–1122
Nov 23, 1921, c 136, § 800, 42 Stat 289
Agricultural Credits Act of 1923, March 4, 1923, c 252, 42 Stat 1451 [See Chronological Table of Acts]
Air Mail Act, Feb 2, 1925, c 128, 43 Stat 805 [§§ 7455½–7455½d]
Alaska Game Law, Jan 13, 1925, c 75, 43 Stat 739 [§§ 3621aa—1 to 3621aa—18]
Alaska Railroad Act, Nov 18, 1921, c 128, 42 Stat 231 [§ 3593b]
Anarchist Exclusion Acts,
Oct 16, 1918, c 186, 40 Stat. 1012 [§§ 4289¼b (1)–4289¼b(3)]
June 5, 1920, c. 251, 41 Stat 1008 [§ 4289¼b (1)].
Anti-Beer Act, Nov 23, 1921, c 134, 42 Stat 222 [§§ 10138½aaa, 10138½bbb, 10138½ccc, 10138½–10138½e]
Anti-Dumping Act, 1921, May 27, 1921, c. 14, title II, 42 Stat 17 [§§ 5326½–5326½k].
Armament Conference Resolution, July 12, 1921, c. 44, § 9, 42 Stat 141.
Army Reorganization Act of 1920, June 4, 1920, c. 227, 41 Stat 759–812. [See Chronological Table of Acts]
Autonomy Act, Aug 29, 1916, c. 416, 39 Stat 545 [See Chronological Table of Acts, U S. Comp St 1918]

Bad Check Law, D. C., July 1, 1922, c 273, 42 Stat. 820
Ball Act (Rents in District of Columbia),
Oct 22, 1919, c. 80, title II, 41 Stat 298–304
Aug. 24, 1921, c. 91, 42 Stat. 200.
May 22, 1922, c 197, 42 Stat 543
Bankruptcy Act (Amendment), Jan 7, 1922, c 22, 42 Stat 354 [§ 9601].
Beverage Tax Acts,
Feb 24, 1919, c 18, § 600, 40 Stat. 1105 [§§ 5986c–5986g, 5986h, 5986i]
Nov 23, 1921, c 136, §§ 600–603, 42 Stat 285
Budget and Accounting Act, 1921, June 10, 1921, c. 18, 42 Stat 20 [§§ 400½–400½aa, 400½b–400½ii]

Cable Act (Naturalization and Citizenship of Married Women), Sept 22, 1922, c. 411, 42 Stat 1021 [§§ 3961a, 3961b, 4358a–4358d]
Calder Act (Daylight Saving, Repeal), Aug. 20, 1919, c. 51, 41 Stat. 280 [§ 8907t, note].
Capper-Lenroot-Anderson Act (Agricultural Credits), March 4, 1923, c. 252, 42 Stat. 1454. [See Chronological Table of Acts.]
Capper-Tincher Act (Grain Futures), Sept. 21, 1922, c. 369, 42 Stat. 998 [§§ 8747¾–8747¾k]
Capper-Volstead Act, Feb. 18, 1922, c. 57, 42 Stat. 388 [§§ 8716¼, 8716½a].
Census Act of 1919, March 3, 1919, c 97, 40 Stat 1291 [§§ 915–919, 3214a, 3284, 4388a–4388nn, 7376]
Chamberlain-Ferris Act, June 9, 1916, c. 137, 39 Stat. 218.
Child Labor Tax Acts,
Feb 24, 1919, c. 18, §§ 1200–1207, 40 Stat. 1138–1140.
Nov 23, 1921, c. 136, §§ 1200–1207, 42 Stat. 306.
China Trade Act, 1922, Sept 19, 1922, c. 346, 42 Stat. 849 [§§ 7696¼–7696¼tt].
Civil Relief Act (Soldiers and Sailors), Sept 8, 1919, c 55, 41 Stat. 282.
Civil Service Retirement Act, May 22, 1920, c. 195, 41 Stat. 614 [§§ 3287½–3287½aa, 3287½b–3287½o, 3287½oo–3287½s, 3287½ss].
Classification Act of 1923, March 4, 1923, c 265, 42 Stat 1488 [§§ 3287¼–3287¼m]
Coal Commission Acts,
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March 4, 1923, c 248, 42 Stat 1446.
Concentration Act, Feb 17, 1922, c. 55, 42 Stat 375 [§ 6059a]
Co-operative Marketing Associations Act, Feb 18, 1922, c. 57, 42 Stat 388 [§§ 8716½, 8716½a]
Copyright Act, Dec 18, 1919, c 11, 41 Stat 368 [§§ 9524, 9542].
Cotton Standards Act, March 4, 1923, c 288, 42 Stat 1517 [§§ 8747½–8747½l]
Criminal Code Amendment, March 4, 1921, c 172, 41 Stat 1444 [§§ 10102–10406]
Cummins Act (Railroads), Feb 28, 1920, c 91, 41 Stat 456 [§§ 10071¼–10071¼aaa, 10071¼b–10071¼bbb, 10071¼c–10071¼ddd, 10071¼e–10071¼jjj]
Customs Administration Act, Sept 21, 1922, c. 356, title IV, 42 Stat 948 [§§ 5841d to 5841f—60, 5841f—70 to 5841h—34, 5841h—35 to 5841i—6]

Daylight Saving Act (Repeal), Aug 20, 1919, c. 51, 41 Stat 280 [§ 8907t, note]
Daylight Saving Act, March 3, 1923, c 216, 42 Stat 1434 [§ 8907rrr]
Declaration Terminating War with Germany and Austria-Hungary, July 2, 1921, c 40, 42 Stat 105 [§ 3115¼/₁₅g]
Denatured Alcohol Acts,
Feb. 24, 1919, c 18, § 602, 40 Stat. 1107 [§§ 6024a, 6028a, 6028b]
Oct 28, 1919, c 85, title III, 41 Stat. 319 [§§ 10138¾–10138¾t]
Dent Act, March 2, 1919, c. 94, 40 Stat. 1272 [§§ 3115¹⁴/₁₅a–3115¹⁴/₁₅c]
Deportation Act, May 10, 1920, c. 174, 41 Stat 593 [§§ 4289¼b(4)–4289¼b(6)].
Disarmament Conference Resolution, July 12, 1921, c. 44 § 9, 42 Stat. 141
District of Columbia Code Amendment, Apr 19, 1920, c. 153, 41 Stat 555.
District of Columbia Minimum Wage Law, Sept 19, 1918, c 174, 40 Stat 960.
District of Columbia Rents and Food Act. See Ball Act
District of Columbia Traffic Act, 1925, March 3, 1925, c 443, 43 Stat. 1119.
Dye and Chemical Control Act, 1921, May 27, 1921, c. 14, title V, 42 Stat. 18 [§§ 5326¾–5326¾b, notes]
Dyer Act (Motor Vehicles), Oct. 29, 1919, c. 89, 41 Stat. 324 [§§ 10418b–10418f].

Edge Act, Feb. 25, 1920, c. 85, 41 Stat 437 [§§ 4640¼–4640¼ff, 4640¼g–4640¼jj, 4640¼k–4640¼ss].
Edge Act (Federal Reserve Banks), Dec 24, 1919, c 18, 41 Stat 378 [§ 9745a]
Eighteenth Amendment, Jan. 28, 1919, 40 Stat. 1941.
Emergency Immigration Act, May 19, 1921, c. 8, 42 Stat 5 [§§ 4289½–4289½dd].
Emergency Tariff Act, 1921, May 27, 1921, c. 14, title I, 42 Stat 9 [§§ 5326¼–5326¼d, notes]
Enlarged Homestead Act, March 4, 1923, c. 245, 42 Stat 1445 [§§ 4575a, 4587j].
Esch-Cummins Act (Railroads), Feb. 28, 1920, c 91, 41 Stat. 456 [§§ 10071¼–10071¼aaa, 10071¼b–10071¼bbb, 10071¼c–10071¼ddd, 10071¼e–10071¼jjj].
Esch Water Power Act, June 10, 1920, c 285, 41 Stat. 1063 [§§ 9992¼, 9992¼a, 9992¼aa, 9992¼b, 9992¼bb, 9992¼c, 9992¼cc–9992¼qq].

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Nov 23, 1921, c 136, §§ 400–411, 42 Stat 277.
Excess Profits Tax Acts,
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Nov 23, 1921, c 136, title III, 42 Stat. 271 [§§ 6336⁷⁄₁₀a–6336⁷⁄₁₀n]
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Explosives Transportation Act, Mch 4, 1921, c 172, 41 Stat. 1444 [§ 10402]

Farm Credits Act See Agricultural Credits Act 1923.
Farm Loan Act, Apr 20, 1920, c 154, 41 Stat 570 [§§ 9835b, 9835ee–9835ff, 9835k, 9835*l*]
Federal Aid Act (Amendment), Feb 28, 1919, c 69, §§ 5, 6, 40 Stat. 1200, 1201 [§§ 7477bb, 7477ff, 7477j]
Federal Aid Road Act, Nov 9, 1921, c 119, 42 Stat 212 [§§ 7477¼–7477¼d, 7477¼e–7477½v, 7477¼w, 7477¼x, 7477¼y]
Federal Control Act (Transportation System), June 30, 1919, c 5, 41 Stat 34.
Federal Control of Telegraphs and Telephones, July 16, 1918, c 154, 40 Stat 904
Oct. 29, 1918, c 197, 40 Stat 1017.
July 11, 1919, c 10, 41 Stat 157
Federal Corrupt Practices Act, 1925, Feb 28, 1925, c 368, title III, 43 Stat. 1070 [§§ 198¼–198¼p].
Federal Farm Loan Act, Apr 20, 1920, c 154, 41 Stat 570 [§§ 9835b, 9835ee–9835ff, 9835k, 9835*l*]
Federal Highway Act, Nov 9, 1921, c 119, 42 Stat. 212 [§§ 7477¼–7477¼d, 7477¼e–7477¼v, 7477¼w, 7477¼x, 7477¼y]
Federal Reserve Acts,
March 3, 1919, c 101, 40 Stat. 1314 [§§ 9714, 9791, 9793, 9794]
Dec 24, 1919, c 18, 41 Stat 378 [§ 9745a]
April 13, 1920, c. 128, 41 Stat. 550 [§ 9797].
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